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ANNUAL REPORT OF THE

NORTH DAKOTA JUDICIAL SYSTEM

Calendar Year 1988

William G. Bohn
Executive Secretary

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

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TO THE HONORABLE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL CONFERENCE:

Once again, I am pleased to submit to you the Annual Report of the North Dakota judicial system. This report highlights the activities of the North Dakota judicial system during calendar year 1988. It provides statistical information on our courts and reports on other developments and activities which are shaping our judicial system. It should prove valuable as a reference source for anyone wishing to learn about the operation of the judicial system in North Dakota.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks go to the staff of the State Court Administrator's office for their diligent work in compiling the statistics and designing the format for this work.

Respectfully submitted,

Wm Bohn

WILLIAM G. BOHN
State Court Administrator and
Judicial Conference Executive
Secretary

WGB/ms

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The North Dakota Legal System: Rooted in the Past and Responding to the Future

Barry R. Vickrey
Associate Dean
University of North Dakota School of Law

"What's past is prologue." Shakespeare's words capture the essence of the North Dakota centennial, and especially of the celebration of the first one hundred years of the legal system.

Fundamental to our legal system — and particularly deserving of commemoration — is the North Dakota Constitution. Through the efforts of the Supreme Court's Constitutional Celebration Committee, chaired by Justice Herbert Meschke, the Constitution is receiving the attention it deserves. For Government Day, February 22, 1989, the Committee arranged a joint legislative session honoring the rich ethnic heritage of our state and the role of the Constitution in forging a common government of these diverse peoples. In conjunction with this program, the public was able to view the original Constitution. In addition, the Committee and the State Historical Society, with funding from the Centennial Commission, have developed an outstanding exhibit that interprets the relationship between the state's Constitution and history. This eight-part exhibit is displayed at libraries around the state, through the cooperative efforts of the Department of Public Instruction, the State Library, the North Dakota Humanities Council, and the National Guard.

The *North Dakota Law Review* will publish a symposium issue in the fall of 1989 on the North Dakota Constitution. One article in the issue, "Digging for Roots: The North Dakota Constitution and the Thayer Correspondence," examines several early constitutional drafts. It explores the relationship between the Northern Pacific Railroad and Harvard Law Professor James B. Thayer, who prepared one of the drafts. The symposium issue will contain the actual Thayer correspondence, a draft constitution and a table of authorities.

Aside from the value of this material to judges, lawyers and scholars who seek to interpret the North Dakota Constitution today, the article, correspondence, and table of authorities provide insight into the operation of the legal system at that time. One revelation provided by these materials is the difference between the level of technology used by, on the one hand, Professor Thayer and the Northern Pacific's New York City lawyers and, on the other, the constitutional framers here in what would become North Dakota.

The original North Dakota Constitution is handwritten on yellow, lined paper. The constitutional drafts and supporting materials from back East, in contrast, were neatly typeset. One wonders whether the appearance of the drafts — a product of advanced technology — gave them greater credibility with our constitutional framers.

Whatever the effect of technology on the delegates, the "technological imperative" — the drive to develop and apply new technologies just because they can be developed and applied — is obvious now in the legal system. Some lawyers, judges, and even law teachers resist new technologies, and yet the effects of technology on the practice of law are unavoidable.

The many applications of the computer provide the most obvious example of the effects of technology on the legal system. Computerized legal research systems are now commonplace. Even North Dakota lawyers and judges who do not have access in their offices use these systems through the Thormodsgard Law Library's Attorney Services Program and the Law School's Central Legal Research service. Some lawyers and judges who routinely use these computerized research systems may not realize their full impact. Their ability to find cases is no longer limited by the writers of headnotes and compilers of indices. They are empowered to use all the analytical ability they were born with or learned in law school in marshalling legal arguments and resolving legal problems.

There are many other applications of computers in the legal system. Computers greatly improve many of the management aspects of law practice, such as timekeeping and billing. They make possible much more effective systems for avoiding conflicts of interest and managing litigation. Judges and courts can also use computers to manage dockets and for other judicial administration activities. Computers facilitate word processing, a fact that the general public and even judges and lawyers may consider a mixed blessing.

There is a much more important sense in which computers impart both benefits and burdens. As computers make it possible for lawyers and judges to find more cases, write more, and manage litigation and other tasks better, they raise the expectations of clients and courts. The legal system is expected to act both faster and more thoroughly. The standard of practice, as well of the cost of meeting that standard, rises.

On balance, however, these systems should improve the legal system. One of the clearest potential benefits is a reduction in legal malpractice resulting from administrative errors.

According to the leading treatise on lawyer malpractice, by Ron Mallen and Jeff Smith, nearly one-fourth of lawyers' errors that result in malpractice are administrative. "Those errors," they assert, "can be significantly minimized by the adoption and utilization of office systems." Computers will be the backbone of those systems.

This answer to one major malpractice problem raises another

issue: who will teach these administrative systems, or even that they are needed? There is much debate nationally about whether law schools can and should teach law practice management and the effective use of computers. At the Law School, we provide students both ready access to computers and instruction in law practice management.

As significant as the changes wrought by computers are, even more dramatic effects are likely to result from the synthesis of microcomputing and telecommunications. With a modem, the computer permits instantaneous transfer of written information. So does the computer's cousin, the facsimile machine. Alexander Graham Bell's invention alone could never serve all of the needs of the legal system, because we rely so much on the written word as well as the spoken word. The computer with modem and the facsimile machine make it possible for North Dakota lawyers and judges to work efficiently with other lawyers, clients, and courts anywhere in the world.

The North Dakota legal system is in the vanguard of computer-assisted communication, at least in relation to the legal systems of other jurisdictions. In June, 1989, the Supreme Court is initiating North Dakota LegalNet, an electronic bulletin board and mail service built around personal computers. This service was developed through the cooperation of the State Bar Association, its Real Property, Probate and Trust Law Section, the School of Law, and the civil legal service programs of our state.

Lawyers, judges, and others can use LegalNet to obtain the latest Supreme Court decisions, Attorney General opinions, and other timely information on the bar association and the judicial system. The lawyers, judges, and law teachers who serve on Supreme Court committees will be able to draft and review committee documents through LegalNet. Users will be able to communicate with each other without playing "telephone tag."

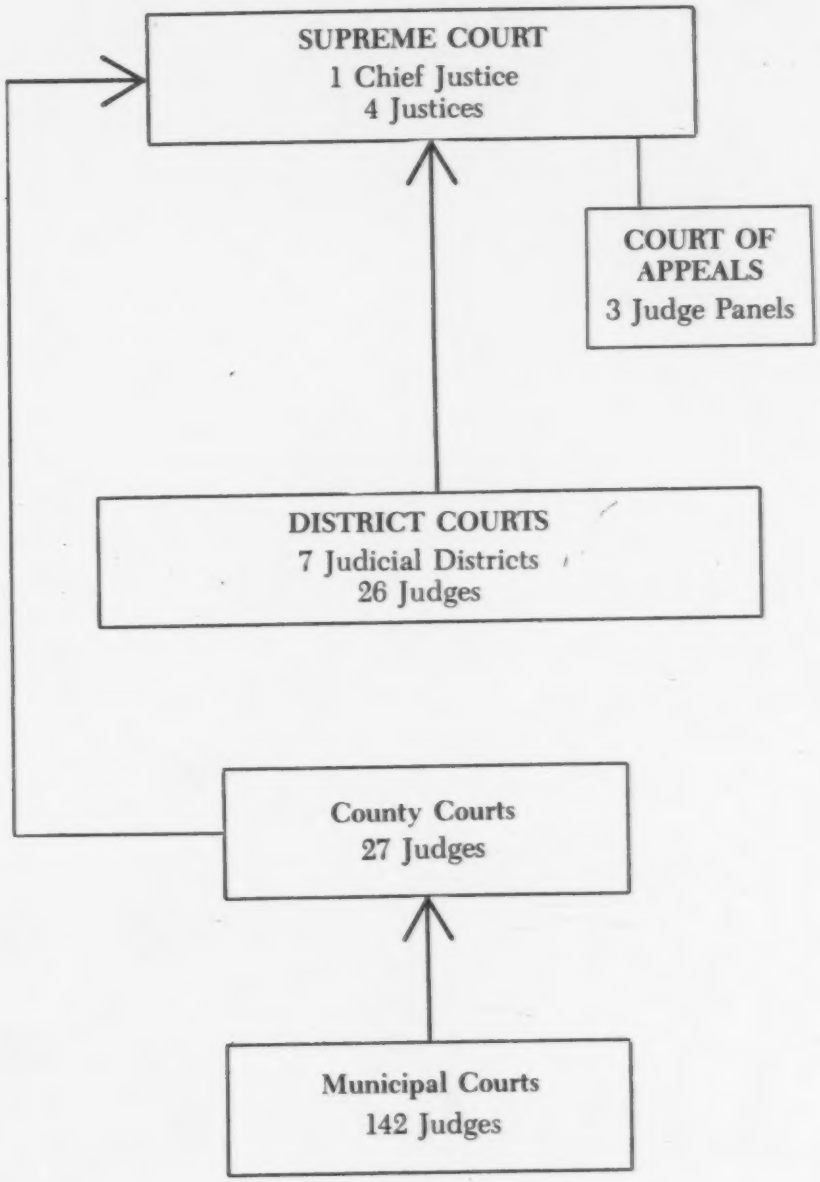
The linkage of computers and telephones presents other exciting prospects and problems for the legal system. One jurisdiction, for example, is currently struggling with the legal validity of emergency court orders transmitted by facsimile machine rather than by mail. Another jurisdiction is experimenting with paperless discovery in complex litigation; depositions are recorded and retrieved for use in evidence entirely by computer. These sorts of developments require many lawyers and judges to put much more faith in electronic wizardry than they like to do.

One very valid reason for distrust of computers and other new technologies is the bewildering lack of compatibility among various products. This confusion causes the legal system to make costly errors in choosing computers and other equipment, or to avoid these errors by deciding not to use the new technologies at all. There is a great need for bar associations and individuals who are knowledgeable about new technologies to work toward greater compatibility of these systems and to share their knowledge with others who want to use computers, facsimile machines, and other innovations.

The technological imperative will not disappear. We must learn how to harness it and use it wisely to improve the legal system. The risks involved in using new technologies are real, but the promise is worth the price.

Our legal system's past is a promising prologue for the future. That past is rooted in the sound principles of the North Dakota Constitution and the wisdom and effort of those who preceded us. We must carry on the play, even though the stage looks much different now than it did a century ago. As we use new technologies, the play should be exciting and rewarding, if sometimes mysterious and confusing. Rooted in the past, the Constitution provides stability and order within which we can respond to the challenges of the future.

The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the State of North Dakota created a judicial system consisting of the supreme court, district courts, justice of the peace courts, and such municipal courts as provided by the legislature. This judicial structure remained intact until 1959 when the Legislature abolished the justice of peace courts in the state.

The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a supreme court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the supreme court and the district courts have retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislature further altered the structure of the judicial system by enacting legislation which replaced the multi-level county court structure with a uniform system of county courts throuhgout the state. This new county court structure became effective on January 1, 1983.

With the new county court system in place, the judicial system of the state consists of the supreme court, district courts, county courts, and municipal courts.

Administrative Authority

In addition to these structural changes, the new judicial article clarified the administrative responsibilities of the supreme court by designating the Chief Justice as the administrative head of the judicial system and by granting the Chief Justice the authority to assign judges for temporary duty in any nonfederal court in the state. It also acknowledged the supreme court's rulemaking authority in such areas as court procedure and attorney supervision.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the supreme court are elected for ten-year terms; district court judges for six-year terms, and all other judges for four-year terms.

Vacancies in the supreme court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves only until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

Vacancies in the various county courts are filled by the board of county commissioners of the county where the vacancy occurs or by a special election called by the board of county commissioners. If the county commissioners choose to fill the vacancy by appointment, they must select from a list of nominees submitted by the Judicial Nominating Committee.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only supreme court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the supreme court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the legislature.

CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 1987 AND 1988

Level of Court	Filings 1988	Filings 1987	Dispositions 1988	Dispositions 1987	Pending at Year's End 1988	Pending at Year's End 1987
Supreme Court	376	382	405	357	207	245
District Courts	20,626	18,416	20,417	17,626	9,048	8,839
County Courts	103,013	93,412	101,837	92,647	25,799	24,623
TOTAL						

North Dakota Supreme Court

Left to right: (Sitting) Justice Beryl J. Levine; Chief Justice Ralph J. Erickstad; and Justice Herbert L. Meschke; (Standing) Justice H.F. Gierke and Justice Gerald W. VandeWalle.

The North Dakota Supreme Court has five justices. Each justice is elected for a ten-year term in a nonpartisan election. The terms of the justices are staggered so that only one judgeship is scheduled for election every two years. Each justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the supreme court is selected as chief justice by the justices of the supreme court and the district court judges. The chief justice's term is for five years or until the justice's elected term on the court expires. The chief justice's duties include presiding over supreme court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the supreme court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts and the county courts. All appeals from these courts must be accepted for review by the court. In addition, the court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a quorum, composed of a majority of the justices, is necessary before the court can conduct its judicial business. It also stipulates that the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court decides an appeal, it is required to issue a written opinion stating the rationale for its decision. Any justice disagreeing with the majority decision may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the supreme court has major responsibilities for ensuring the efficient and effective operation of all nonfederal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. Its supervision of leagl ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through four advisory committees-the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee. Other committees, such as the Judicial Planning Committee and the Judicial Training Committee also provide valuable assistance to the supreme court in important administrative areas.

Administrative personnel of the supreme court also play a vital role in helping the court fulfill its administrative functions. The clerk of the supreme court supervises the calendaring and assignment of cases, oversees the distribution and publication of supreme court opinions and administrative rules and orders, and decides certain procedural motions filed with the court. The state court administrator assists the court in the preparation of the judicial budget. The state court administrator prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned to him by the supreme court. The state law librarian supervises the operation of the state law library and serves as court bailiff when the court is in session.

North Dakota Supreme Court

Luella Dunn
Clerk of the Supreme Court

A heavy caseload in calendar year 1988, coupled with a dramatic increase in pre-argument procedural motions requiring the Court's consideration, resulted in one of the heaviest workloads in the history of the Supreme Court of North Dakota.

New cases filed during 1988 in the Supreme Court totalled 376, a slight decrease from 1987. Of this total, nine cases were transferred to the Court of Appeals, leaving the total number of new cases for decision by the Supreme Court at 367. The number of cases carried over from 1987 was 245 for a total number of 612 active cases on the docket during 1988.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1987 AND 1988 CALENDAR YEARS

	1988	1987	Percent Difference
New Filings	376	391	-3.8
Civil	275	308	-10.7
Criminal	101	83	21.7
Transferred to Court of Appeals	9	9	0.0
Civil	4	8	-50.0
Criminal	5	1	400.0
New Filings Balance	367	382	-3.9
Civil	271	300	-9.7
Criminal	96	82	17.1
Filings Carried over from Previous Calendar Year	245	220	11.4
Civil	193	172	12.2
Criminal	52	48	8.3
Total Cases Docketed	612	602	1.7
Civil	464	472	-1.7
Criminal	148	130	13.8
Dispositions	405	357	13.4
Civil	306	279	9.7
Criminal	99	78	26.9
Cases Pending as of December 31	207	245	-15.5
Civil	158	193	-18.1
Criminal	49	52	-5.8

Disposition of 405 cases by the Supreme Court during 1988 set a record high for the Court or a 13.4% increase over output in 1987. Of the total dispositions 306 cases were civil and 99 criminal. The cases pending as of December 31, 1988, showed a decline of 15.5%. As indicated above, 245 cases were pending as of December 31, 1987, compared with 207 cases carried over at the end of 1988. Of the 207 cases pending as of December 31, 1988, 158 were civil and 49 were criminal cases.

Cases decided by opinion in 1988 totalled 268 compared with 249 in 1987. In addition, 85 special opinions, either concurring or dissenting to the majority opinion, were written and filed. Affirmances maintained approximately the same ratio as that of 1987, that is, 112 civil and 49 criminal compared with 114 civil and 34 criminal in 1987. The average number of cases decided by opinion per justice rose from 50 cases in 1987 to 54 in 1988. In other words, each justice prepared more than four opinions per month plus special concurring or dissenting opinions. Dispositions by order increased from 108 in 1987 to 137 in 1988.

DISPOSITIONS—1988

	Civil	Criminal
BY OPINION:		
Affirmed; Modified and Affirmed	112	49
Reversed; Reversed and Remanded; Reversed and Modified	49	15
Affirmed in Part and Reversed in Part	20	2
Judgment Vacated and Remanded	0	0
Remanded	5	0
Dismissed	11	2
Discipline Imposed	3	0
Original Jurisdiction — Granted	0	0
Original Jurisdiction — Denied	0	0
Certified Question	0	0
Dispositions by Opinion	200	68
BY ORDER:		
Dismissed	88	30
Discipline Inactive Status	1	0
Original Jurisdiction — Granted	2	0
Original Jurisdiction — Denied	15	1
Dispositions by Order	106	31
Total Dispositions for 1988	306	99

The number of appeals by district correlates somewhat to the caseloads of the various districts. The highest number of appeals from any one district including both district and county courts was 92, and the lowest was 32 appeals. The number of appeals per judge ranged from a high of 23 to 0.

The Supreme Court justices met once a week and frequently more often to consider motions, applications for writs or other petitions. During 1988, 568 such motions, applications or petitions were filed, many of which required immediate attention by the Court and were sometimes critical to an appeal. The time spent conferring on procedural motions or petitions for writs, as well as the research time required prior to conference, impacted heavily on an already onerous workload.

North Dakota's appellate court, like many in the nation, is challenged with the largest caseload known to the Court. Under the able administration of Chief Justice Ralph J. Erickstad and the cooperation of the members of the Bar there are no serious backlogs. An aggressive case management procedure by the Clerk of the Supreme Court prevents a case from languishing for months without briefing. With the continued dedication of the justices and the legal staff, appeals will continue to get the attention each one deserves within an acceptable resolution time.

North Dakota Court of Appeals

Luella Dunn
Clerk of the Court of Appeals

The 1987 Legislature established the North Dakota Court of Appeals, effective July 1, 1987, through January 1, 1990. This temporary appellate court was established to assist the North Dakota Supreme Court in meeting its increasing workload.

The Court of Appeals is available to assist the Supreme Court on a yearly basis if the Chief Justice can certify to the Governor that the Supreme Court has disposed of 250 cases in a twelve month period preceding September 1 of any year.

Each panel of the Court of Appeals consists of three judges who may be active or retired District Court Judges, retired Justices of the Supreme Court or lawyers. Sessions of the Court may be held in Bismarck or at other cities in the State as prescribed by Order of the Supreme Court.

The Supreme Court adopted rules governing the Court of Appeals, Administrative Rule 27. Cases assigned to the new court may include family law cases, misdemeanor convictions, appeals from administrative agencies, small claims court or municipal court, appeals of juvenile court cases, original jurisdiction proceedings and appeals from summary judgments. All proceedings before the Court of Appeals are governed by the North Dakota Rules of Appellate Procedure.

The Clerk of the Supreme Court serves as the Clerk of the Court of Appeals. The Chief Judge or Presiding Judge of each panel is designated by the Chief Justice. During 1988 the Court of Appeals held terms in April, August, October and December and each panel heard three cases.

CASELOAD SYNOPSIS OF THE COURT OF APPEALS FOR THE 1987 AND 1988 CALENDAR YEARS

	1988	1987	Percent Difference
Cases transferred to Court of Appeals from Supreme Court	9	9	0.0
Civil	4	8	-50.0
Criminal	5	1	400.0
Filings Carried over from Previous Calendar Year	7	0	100.0
Civil	6	0	100.0
Criminal	1	0	100.0
Total Cases Docketed	16	9	77.8
Civil	10	8	25.0
Criminal	6	1	500.0
Dispositions	13	2	550.0
Civil	10	2	400.0
Criminal	3	0	100.0
Cases Pending as of December 31	3	7	-57.1
Civil	0	6	-100.0
Criminal	3	1	200.0

Judges assigned to each panel were:

April, 1988	Judge John 0. Garaas, Surrogate Judge (designated as Chief Judge)
	Judge William M. Beede, District Judge
	Judge Larry M. Hatch, District Judge
August, 1988	Judge Eugene A. Burdick, Surrogate Judge (designated as Chief Judge)
	Judge Robert L. Eckert, District Judge
	Judge Vernon R. Pederson, Surrogate Judge
October, 1988	Judge Douglas B. Heen, Surrogate Judge (designated as Chief Judge)
	Judge Benny A. Graff, District Judge
	Judge Kirk Smith, District Judge
December, 1988	Judge A. C. Bakken, Surrogate Judge (designated as Chief Judge)
	Judge William F. Hodny, District Judge
	Judge Everett Nels Olson, District Judge

DISPOSITIONS—1988 COURT OF APPEALS

	Civil	Criminal
Affirmed; Modified and Affirmed	9	1
Reversed; Reversed and Remanded; Reversed and Modified	1	2
Affirmed in Part and Reversed in Part	0	0
Judgment Vacated and Remanded	0	0
Remanded	0	0
Dismissed	0	0
Total Dispositions for 1988	10	3

DISPOSITIONS—1987 COURT OF APPEALS

	Civil	Criminal
Affirmed; Modified and Affirmed	1	0
Affirmed by Summary Disposition	0	0
Reversed; Reversed and Remanded; Reversed and Modified	1	0
Affirmed in Part and Reversed in Part	0	0
Judgment Vacated and Remanded	0	0
Remanded	0	0
Dismissed	0	0
Total Dispositions for 1987	2	0

During 1988, of the 13 cases decided by the Court of Appeals, petitions for review to the Supreme Court were filed in six cases. Denials by the Supreme Court were entered in five cases and one petition for review was pending at the close of the year. Only one petition for review was filed in 1987 and that was denied.

District Courts

There are district court services in each of the state's fifty-three counties. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal felony cases and have concurrent original jurisdiction with the county courts in all criminal misdemeanor cases.

The district courts also serve as the juvenile courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction was expanded in 1981 when the Legislature adopted legislation granting the court jurisdiction over all cases where a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of the other states, the responsibility for supervising and counseling juveniles who have been brought into court lies presently with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge of each judicial district has the authority to appoint juvenile supervisors, probation officers, and other support personnel. In addition to these personnel, the presiding judge may also appoint judicial referees in place of district court judges to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

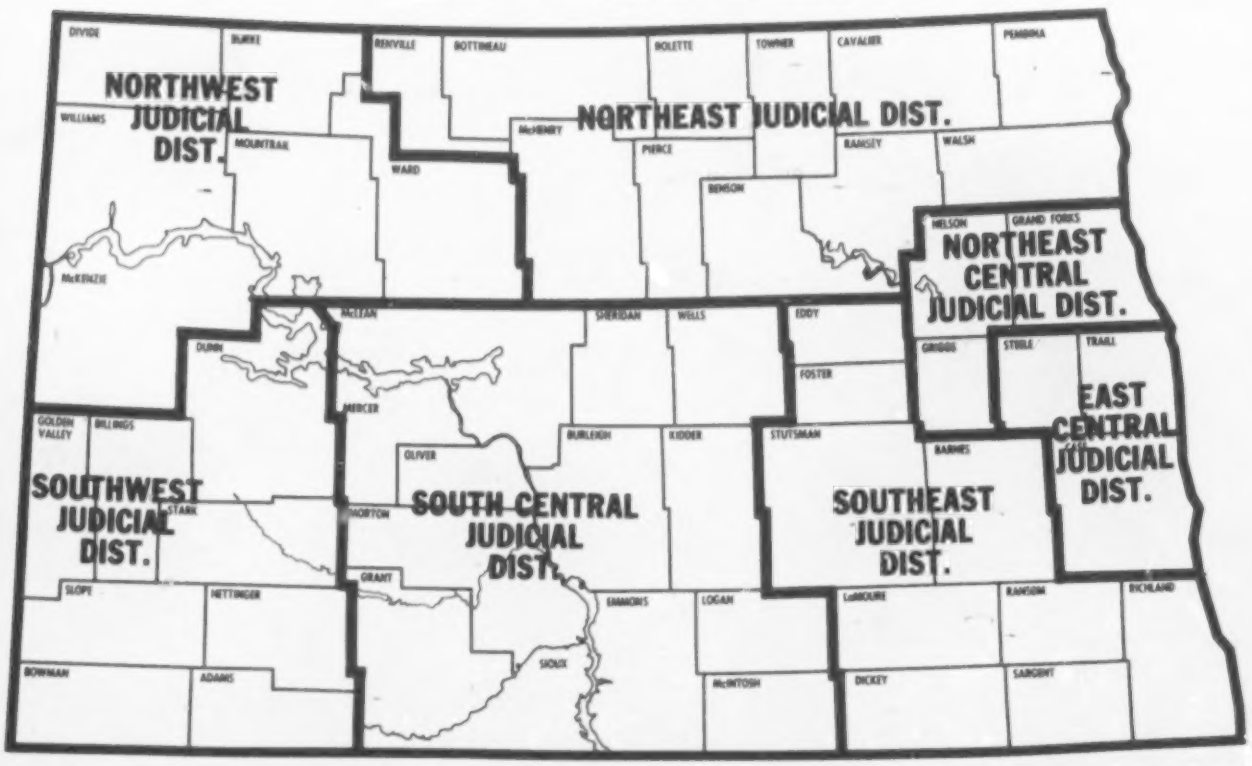
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, they do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency under review.

In 1979 the Supreme Court divided the state into seven judicial districts. In each judicial district there is a presiding judge who acts as the chief judicial administrative officer for the district. All presiding judges are appointed by the chief justice with the approval of the Supreme Court. The duties of the presiding judge, as established by the Supreme Court, include convening regular meetings of the judges within the judical district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge. Six of the seven judicial districts are served by a court administrator.

There are twenty-six district judges in the state. The South Central Judicial District and the Northwest Judicial District each have five judges, the East Central Judicial District has four judges, and each of the remaining four judicial districts has three district judges. Beginning January 1, 1989, an additional district court judgeship is authorized for the Northeast Central Judicial District. All district court judges are required by the state constitution to be licensed North Dakota attorneys and citizens of the United States and North Dakota.

The office of district court judge is an elected position which is filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy occurs, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by a judicial nominating committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves until the next general election, at which time the office is filled by election for the remainder of the term.

NORTH DAKOTA JUDICIAL DISTRICTS



District Court Caseload

As indicated in the charts below there was a significant increase in the caseload of the district courts in 1988. However, the figures must be viewed with caution as the increase reflects, at least in part, a new child support reporting system which captures information which had not been previously reported.

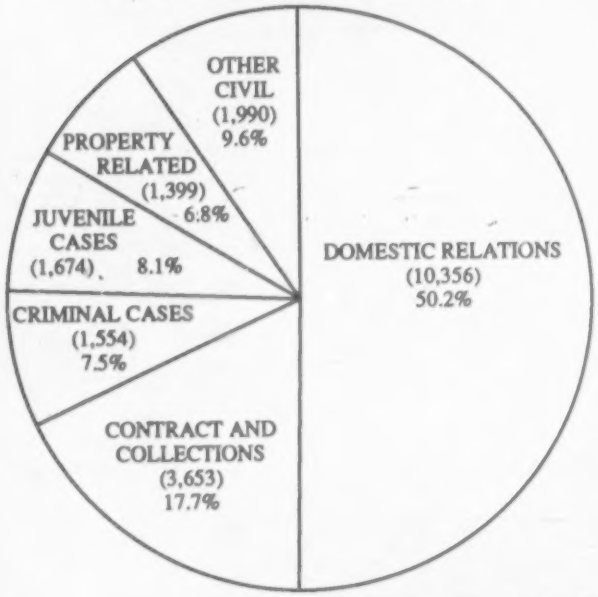
Filings for non-domestic relations cases increased 5% continuing the steady increase of filings which have taken place since 1980.

The three major components of the district court caseload have remained stable in comparison with previous years. The civil component continues to be the largest category of cases making up 84% of the district court filings. Criminal and juvenile filings each contribute approximately 8% of the district court caseload. These percentages have been very similar since 1980.

Even when filings relating to child support are discounted, there is an increase in filings in five of the seven districts resulting in an additional 22 cases filed per judge on a state-wide average. The overall increases are generally reflective of civil filings.

The percentage of criminal filings within each district varies greatly from year to year, caused in part by the relatively small number of cases. However, the statewide average has been steadily but slightly increasing. Despite the addition of two district judges since 1980, the statewide average of filings per judge has increased 132 cases in that time period. Even though there has been a steady increase in dispositions, the increased filings resulted in 9,048 cases pending at the end of 1988 compared with 8,839 cases pending at the end of 1987.

TYPES OF CASES FILED IN THE DISTRICT COURT DURING 1988


OTHER CIVIL (1,990) 9.6%
PROPERTY RELATED (1,399) 6.8%
JUVENILE CASES (1,674) 8.1%
CRIMINAL CASES (1,554) 7.5%
CONTRACT AND COLLECTIONS (3,653) 17.7%
DOMESTIC RELATIONS (10,356) 50.2%

DISTRICT COURT CASELOAD FOR CALENDAR YEARS 1988 AND 1987

	1988	1987	Percent Difference
New Filings	20,626	18,416	+12
Civil	17,398	15,382	+13.1
Criminal	1,554	1,554	
Juvenile	1,674	1,480	+13.1
Cases Carried Over From Previous Year	8,839	8,049	+9.8
Civil	8,128	7,479	+8.7
Criminal	711	570	+24.7
Juvenile	—	—	—
Total Cases Docketed	29,465	26,465	+11.3
Civil	25,526	22,861	+11.7
Criminal	2,265	2,124	+6.6
Juvenile	1,674	1,480	+13.1
Dispositions	20,417	17,626	+15.8
Civil	17,182	14,733	+16.6
Criminal	1,561	1,413	+10.5
Juvenile	1,674	1,480	+13.1
Cases Pending As Of December 31	9,048	8,839	+2.4
Civil	8,344	8,128	+2.7
Criminal	704	711	+1.7
Juvenile	—	—	—

*An error in the 1987 Annual Report showed 10,319 cases pending — it should have been 8,839.

DISTRICT COURSE CASE TYPE FILING — 1988

CIVIL

Case Type	Filings
Property Damage	151
Personal Injury	356
Malpractice	45
Divorce	3,090
Adult Abuse	421
Custody	62
Support Proceed	5,684
Adoption	388
Paternity	547
Admin. Appeal	354
Appeal Other	38
Contract/Collect	3,653
Quiet Title	148
Condemnation	6
Forcible Detain	5
Foreclosure	1,248
Change of Name	164
Special Proceed	64
Trust	40
Foreign Judgment	611
Other	323
State Total	17,398

CRIMINAL

Case Type	Filings
Felony A	91
Felony B	369
Felony C	1,037
Misdemeanor A	26
Misdemeanor B	5
Infraction	0
Special Remedy	4
Appeal	6
Other	16
State Total	1,554

Civil Caseload

As indicated in a narrative dealing with district court caseloads, the civil caseload showed a substantial increase in the past year. However, much of this increase is attributed to new reporting methods in the child support area.

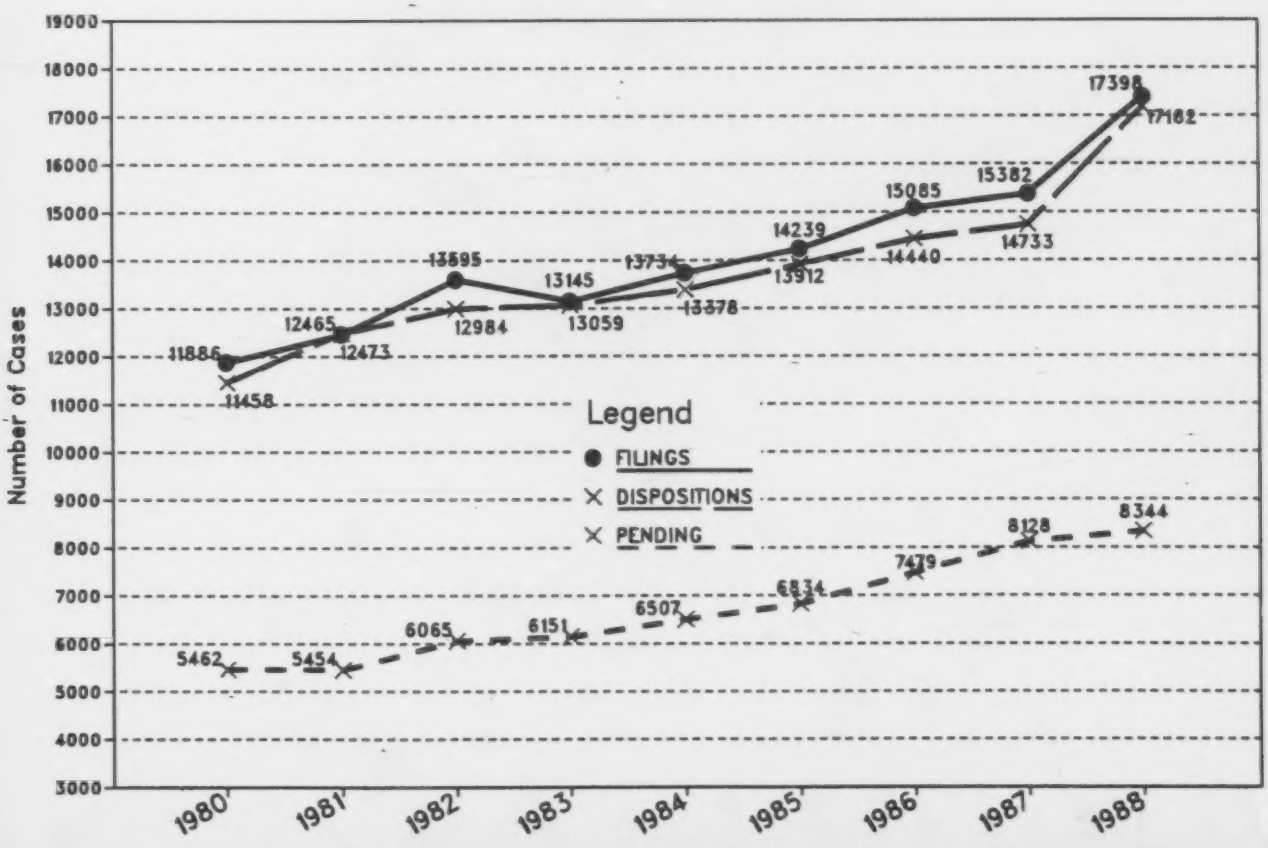
For the third consecutive year the civil caseload in district court increased while decreasing steadily in the county courts. The filings in the non-domestic relations area increased by 5% compared with an annual increase of just under 3% for each of the previous eight years. Domestic relations filings increased by 24%, contract and collections increased by 2%, property related filings decreased by 14%, and other civil filings increased by 35%.

The increase in domestic relations filings followed a 7% increase in that category during 1987. Child support actions make up 55% of the domestic relations cases, divorce 30%, adoption and paternity 5% each, adult abuse 4% and custody less than 1%.

Adult abuse filings again showed a significant increase after decreasing slightly in 1987. In 1984 there were 156 adult abuse filings compared with 421 filings in 1988.

The number of pending civil cases increased slightly (+2.7%) during 1988 despite a substantial increase in the number of cases disposed. Perhaps the best indication of how well district courts are handling their civil cases is their compliance with the docket currency standards as established by the supreme court. These standards call for the disposition of civil cases within twenty-four months of filing and within 90 days of a concluded trial. Of the cases pending at the end of 1988 only 4% of the cases exceeded the docket currency standards. This figure has been relatively stable since 1983.

ND CIVIL CASELOAD COMPARISONS FOR
DISTRICT COURT FOR 1980—1988



Criminal Caseload

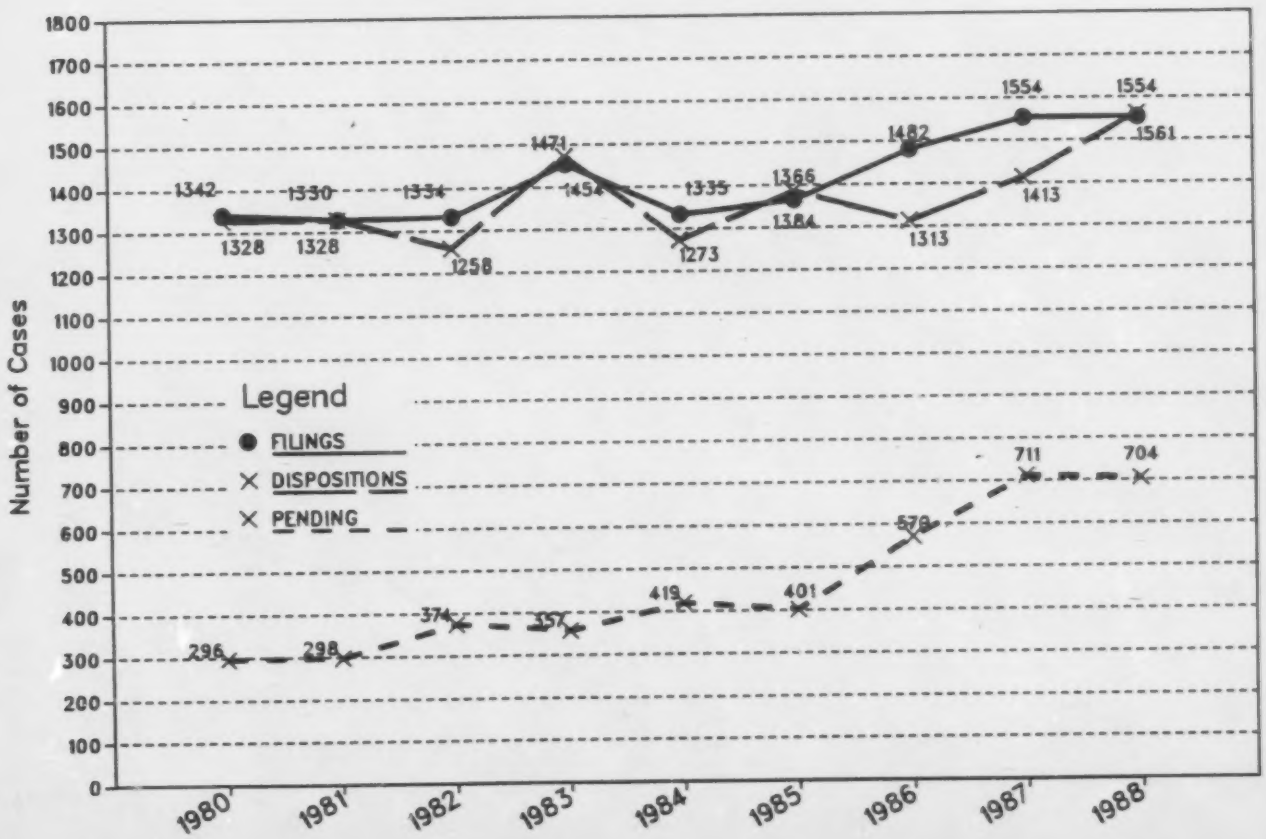
North Dakota continued its traditional low rate of crime during 1988. While the number of criminal filings remained exactly the same for 1988 as compared with 1987, the type of felony cases charged changed slightly.

Of all the criminal cases filed in district courts, 6% were felony A, 24% felony B, and 67% felony C, while 3% were infractions and other criminal filings. In 1987 the breakdown was 8% felony A, 24% felony B, and 64% felony C.

Statewide 24% of the criminal cases were disposed of by trial. Jury trials accounted for 20% of the trials or 58 cases. This compares with 44 cases in 1987 and 57 cases in 1986.

As with civil cases, docket currency standards have been established for criminal cases. Standards call for these cases to be decided within 120 days of the filing of information or indictment in the district court. The presiding judge of the district or the chief justice can waive these standards for specific cases if good cause is demonstrated. At the end of 1988, 23% of the pending criminal cases were older than 120 days, compared to 28% of the cases in 1987 and 23% in 1986. The graph below shows the trend since 1980 for criminal trials, dispositions, and pending cases.

CRIMINAL CASELOAD COMPARISON FOR
DISTRICT COURT FOR 1980—1988



JUVENILE CASELOAD

As with the criminal caseload, the low violent crime rate in North Dakota is reflected in the juvenile court statistics. Offenses against persons made up only 3% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 16% of the caseload, offenses against property 28%, traffic offenses 7%, deprivation 19%, and other filings 27%.

The method by which cases were disposed showed a continued increase in use of informal supervision. In 1988, 58% of the cases were disposed of through informal adjustments, up from 56% in 1987. Additionally, 24% of the cases were counseled and adjusted, and 18% were handled formally. This compares with 28% counseled and adjusted in 1987 and 16% handled formally.

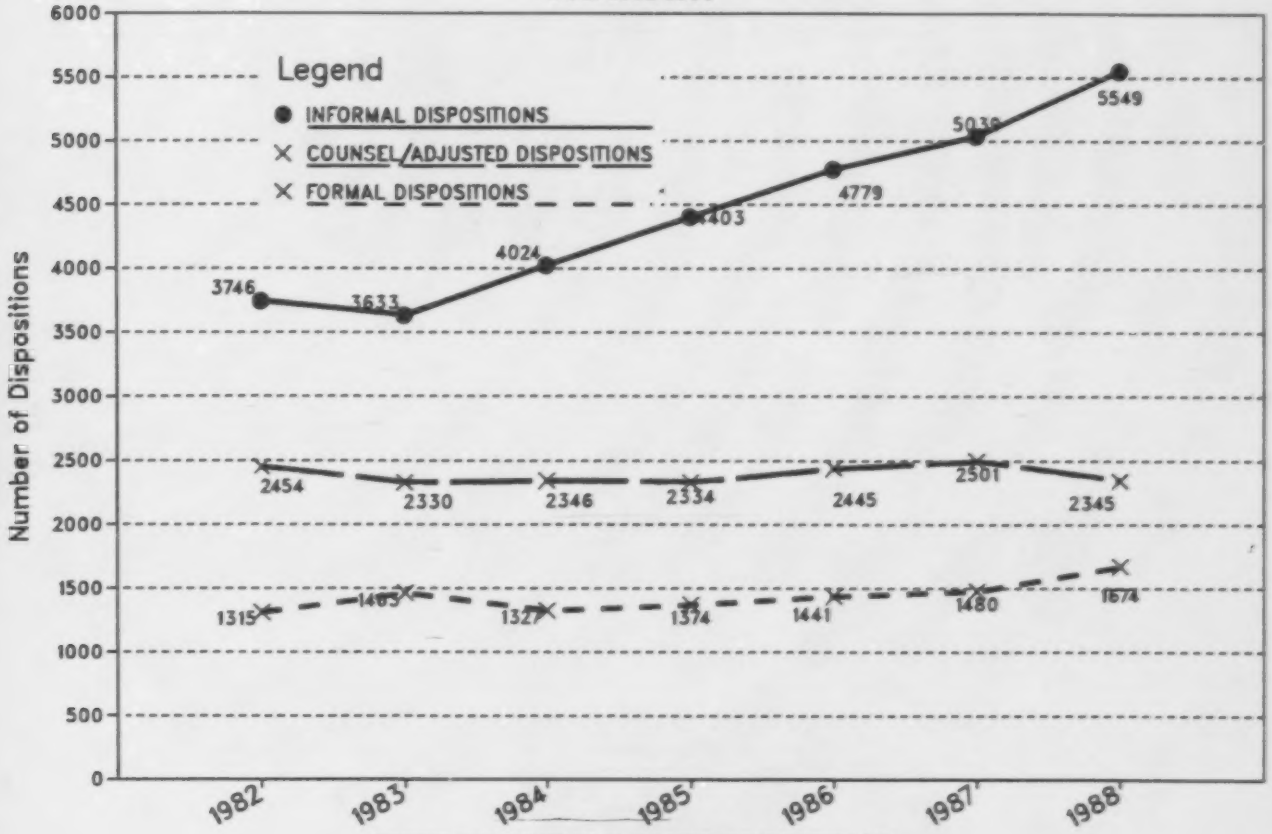
Overall, the juvenile court caseload increased by 2.5% continuing a trend that has been present for the last several years.

The table below compares the reason for referral to juvenile court in 1987 and 1988. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral of delinquent or unruly offenses to the juvenile court. Misdemeanor thefts ranks second.

Traffic offenses had increased by 39% in 1987 over 1986. However, in 1988 the increase was only 5% indicating that the 1987 increase was attributable to a change in the law placing traffic related alcohol offenses with the juvenile court.

Of particular concern is the increase in filings of deprivation related matters. The 28% increase in deprivation cases followed three years of relatively stable filings in that area. That category will be watched closely to see if it is an aberration or the beginning of a continuing trend.

COMPARISON OF JUVENILE DISPOSITIONS
FOR 1982-1988



TYPES OF JUVENILE COURT DISPOSITIONS
FOR 1987 AND 1988

Judicial District	Formal 1988	Formal 1987	Informal 1988	Informal 1987	Counsel/ Adjusted 1988	Counsel/ Adjusted 1987	Total Dispositions 1988	Total Dispositions 1987	Percent Difference For Total Dispositions
Northwest	150	145	914	916	149	207	1,213	1,268	-4.3
Northeast	237	218	369	373	736	723	1,342	1,314	+2.1
Northeast Central	211	167	1,058	739	127	155	1,396	1,062	+31.5
East Central	514	419	435	475	443	677	1,392	1,571	-11.4
Southeast	129	181	652	649	264	294	1,045	1,124	-7
South Central	363	285	1,945	1,751	425	315	2,733	2,351	+16.2
Southwest	70	65	176	136	201	130	447	331	+35
TOTAL	1,674	1,480	5,549	5,039	2,345	2,501	9,568	9,021	+6.1

REASON FOR REFERRAL TO JUVENILE COURT SERVICES IN 1987 AND 1988

	1988	1987	Percent Difference
UNRULY	1,503	1,372	+9.5
Runaway-Instate	548	479	+14.4
Runaway-out-of-state	40	63	-36.5
Truancy	164	155	+5.8
Ungovernable Behavior	487	383	+27.6
Conduct/Control Violation	50	53	-5.7
Curfew Violation	184	196	-6.1
Other	30	43	-30.2
DELINQUENCY	5,824	6,051	-3.8
Offense Against Person	246	247	-.4
Assault	139	127	+9.4
Homicide	0	1	-100
Kidnapping	1	0	+100
Sex Offense	56	58	-3.4
Other	50	61	-18
Offense Against Property	2,594	3,073	-15.6
Arson	15	17	-11.8
Burglary	151	186	-18.8
Criminal Mischief	397	540	-26.5
Criminal Trespass	133	219	-39.3
Forgery	49	31	+58.1
Robbery	1	3	-66.7
Theft-Misdemeanor	1,019	1,165	-12.5
Theft-Felony	594	639	-7
Unauthorized Use of Vehicle	82	122	-32.8
Other	153	151	+1.3
Traffic Offenses	605	575	+5.2
Driving w/o license	380	389	-2.3
Negligent Homicide	0	3	-300
Other	225	183	+23
Other Offenses	2,379	2,156	+10.3
Disorderly Conduct	186	242	-23.1
Firearms	31	31	0
Game & Fish Violation	66	63	+4.8
Obstruction of Law	21	31	-32.3
Possession or Purchase of Alcohol Beverage	1,857	1,594	+16.5
Controlled Substance Violation	79	65	+21.5
Other	139	130	+6.9
DEPRIVATION	1,711	1,335	+28.2
Abandoned	4	0	+400
Abuse/Neglect	1,150	917	+25.4
Deprived	537	404	+32.9
Other	20	14	+42.9
SPECIAL PROCEEDINGS	82	137	-40.1
Involuntary Termination of Parental Rights	10	22	-54.5
Voluntary Termination of Parental Rights	71	86	-17.4
Other	1	29	-96.6
TOTAL	9,120	8,895	+2.5

Report of the Northwest Judical District

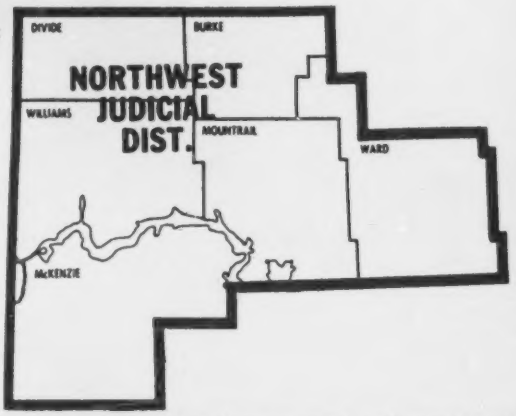
The Honorable Wallace D. Berning, Presiding Judge
William Blore, Court Administrator

District Court Judges: Wallace D. Berning, Presiding Judge; Jon R. Kerian; Everett Nels Olson; William M. Beede; and Bert L. Wilson.

County Court Judges: Gary A. Holum; Gordon C. Thompson; Robert W. Holte; and William W. McLees, Jr.

Number of Counties in District: 6

District Court Chambers: Minot and Williston



Personnel:

District Judges Beede and Wilson have primary responsibility for cases in Williams, Divide and McKenzie counties. Judges Berning, Olson and Kerian have primary responsibility for cases in Ward, Burke and Mountrail counties.

In Ward County, Judge Gary Holum is continuing to utilize the services of referee Mark Flagstad for small claims litigation. The increasing caseload for Judge Holum has resulted in a contract between Ward County and McKenzie County utilizing the services of Judge McLees on a part-time basis with a cost sharing arrangement with McKenzie County. Judge Holte continues to serve Burke, Mountrail and Divide counties.

Authorization was obtained to appoint a judicial referee in the district, however, budget restraints continue to prevent implementation. At the present time, Bill Blore serves in two capacities, both as Court Administrator and Judicial Referee. It is anticipated the referee will be appointed at the beginning of the new biennium.

Philip Stenehjem, longtime juvenile supervisor-referee, who served the district in the Williston office, for more than thirty-five years, retired in July. He has been retained on a part-time basis to hear both juvenile and child support cases as needed. David Simonson has been hired as a probation officer in the Williston office. Maureen Slorby has been employed as a part-time probation officer in the Minot office. Maureen and Barbara Nathan are "job sharing" on a 2/5 and 3/5 arrangement for one full-time probation officer position.

Facilities:

Ward County has remodeled a community room to function as an alternative courtroom with jury capability after continued pressure on existing courtroom facilities. The Ward County Clerk of District Court has implemented a new computer system for child support enforcement as a pilot project with assistance from the Supreme Court administrative staff.

A new open filing system has been installed in the Clerk of Court's office augmenting the modernization effort. Space constraints in the existing county law library have necessitated extraordinary measures to house existing volumes.

The group home for adolescents in Williston has expanded its program to now accept both male and female referrals. This new option will allow keeping children requiring out-of-the-home placement in western North Dakota.

Caseload Increases:

Expanding caseloads are represented by over 7,000 telephone calls and over 1,000 referrals being processed by the Minot Juvenile Court staff last year. Restitution from juveniles throughout the district exceeded $12,500. Child support enforcement caseloads continue to increase with collections district-wide again exceeding $4,500,000. Most of these payments are in small monthly amounts and reflect an immense volume of activity and workload for the clerks of court. Recoupment of attorneys fees expended on behalf of indigent defendants in criminal cases exceeded $35,000. This amount is the highest of all districts in the state and reflects not only the concern of the judges, but also the diligent and conscientious monitoring of probationers by the State Probation and Parole staff in our district.

Utilizing Community Resources:

The Northwest District continues to place emphasis on the utilization of volunteers and students to assist professional and clerical staff during the current budget crunch. Minot State University has provided student interns from the Criminal Justice and Legal Secretaries Programs on an ongoing basis. The student receives college credit for the "hands on" experience while the court benefits from skills provided without cost. The Guardian ad Litem program has expanded to employ local citizens who assist in formal juvenile court proceedings. A special training workshop for Guardians and Litem was provided for participants by the North Dakota Attorney General's staff.

In Williams County, outreach services include special programs concerning Drug Awareness and Peer Pressure for both elementary and high school youth. As funding for community programs diminish, requests for staff involvement on a volunteer basis to bolster existing alternative programs continues to mount. The district continues to seek additional methods of improving services to the public with existing resources rather than expansion.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	3,465	3,072	+12.8
Civil	3,098	2,679	+15.6
Criminal	217	248	-12.5
Juvenile	150	145	+3.4
Cases Carried Over From Previous Year	1,366	1,311	+4.2
Civil	1,263	1,232	+2.5
Criminal	103	79	+30.4
Juvenile	—	—	—
Total Cases Docketed	4,831	4,383	+10.2
Civil	4,361	3,911	+11.5
Criminal	320	327	-2.1
Juvenile	150	145	+3.4
Dispositions	3,535	3,017	+17.2
Civil	3,135	2,648	+18.4
Criminal	250	224	+11.6
Juvenile	150	145	+3.4
Cases Pending As Of December 31	1,296	1,366	-5.1
Civil	1,226	1,263	-2.9
Criminal	70	103	-32
Juvenile	—	—	—

Report of the Northeast Judicial District

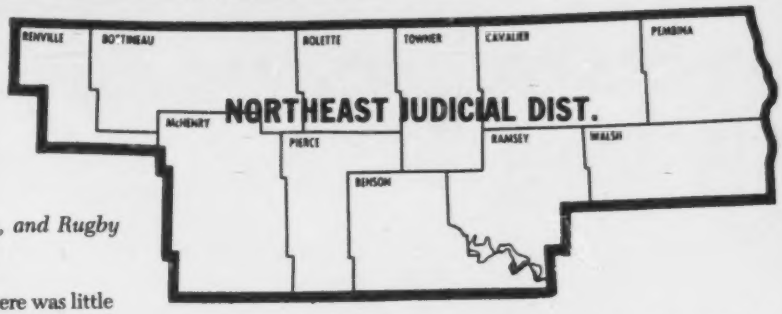
The Honorable James O'Keefe, Presiding Judge

District Judge: James H. O'Keefe, Presiding Judge; Lee A. Christofferson William A. Neumann.

County Court Judges: James M. Bekken, Donovan Foughty, M. Richard Geiger, Lester S. Ketterling, John C. McClintock, and Thomas K. Metelmann.

Number of Counties in District: 11

District Court Chambers: Devils Lake, Grafton, and Rugby



While 1987 brought extensive personnel changes, there was little change in 1988. Longtime Clerk of Court, Dorothy Martell, retired in March after almost 40 years of service in Walsh County. Marilyn Anderson was appointed in March and won election as Clerk of Court in November.

Another change in the district was the addition of the Lexis research system to the Devils Lake chamber by Judge Christofferson. It is hoped that this research tool will reduce the amount expended on the law library. Judge Neumann hopes to add the system to his chamber sometime in the 1989-91 biennium.

Again, the district's civil caseload has increased, up 14% from 1987. Areas of greatest increase in civil cases were: divorce, up 19%; support proceedings, up 21%; paternity actions, up 33%; and contract collections, up 28%. The bright spot for civil caseload variance was that foreclosures declined by 38%. New criminal cases also declined by about 14%. Overall, our caseload increased by about 11%.

Our juvenile court has been busy with another year of increased caseload. There has been an effort by the juvenile court to train lay people to serve as guardians ad litem. Training was provided at project sites by the juvenile supervisors with help from UND's Children and Family Services Training Center. By using lay people instead of attorneys, when possible, it is hoped that it will be more cost effective and also provide expanded service.

In the area of child support, our judicial referee and our county judges (acting as referees) are handling all cases established as IV-D. Our Clerks of District Court, and their child support personnel, are doing an exceptional job in the areas of establishment, enforcement and collection. We collected approximately $2.2 million for child support in 1988. The district has yet to meet all the time frames prescribed by federal law, but we have been within a few percentage points, and we are attempting to meet the guidelines.

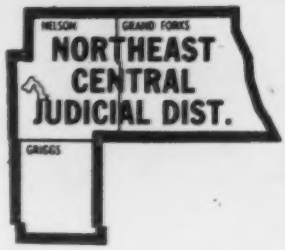
The district court continues to work with the counties to provide the most up-to-date facilities and is looking at ways to handle this increased caseload under tight budgetary constraints. We have also been working hard to keep the caseflow moving and our docket current. The district has become more efficient in processing and disposing of aging cases; in the last year, the number of cases over 24 months declined by 37%.

NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	1,906	1,709	+11.5
Civil	1,513	1,310	+15.5
Criminal	156	181	-13.8
Juvenile	237	218	+8.7
Cases Carried Over From			
Previous Year	929	860	+8
Civil	822	772	+6.5
Criminal	107	88	+21.6
Juvenile	—	—	—
Total Cases Docketed	2,835	2,569	+10.4
Civil	2,335	2,082	+12.2
Criminal	263	269	-2.2
Juvenile	237	218	+8.7
Dispositions	1,937	1,640	+18.1
Civil	1,553	1,260	+23.3
Criminal	147	162	-9.3
Juvenile	237	218	+8.7
Cases Pending As Of			
December 31	898	929	-3.3
Civil	782	822	-4.9
Criminal	116	107	+8.4
Juvenile	—	—	—

Report of the Northeast Central Judicial District

The Honorable Kirk Smith, Presiding Judge
Patricia Thompson, Court Administrator



District Court Judges: Kirk Smith, Presiding Judge; Bruce E. Bohlman and Joel D. Medd
County Court Judges: Frank Kosanda and Jonal H. Uglem
Number of Counties in District: 3
District Court Chambers: Grand Forks

The 1987 Legislature approved the request for a fourth district court judge to alleviate the increasing caseload in the Northeast Central Judicial District. A fourth courtroom is being readied on the second floor of the County Courthouse and completion is expected prior to the time the appointment is made by Governor George Sinner.

Additional meetings of the Space Facilities Committee were held during 1988 to maintain progress toward the transfer of second floor county offices from the Courthouse to the first floor of the adjacent County Office Building.

Final planning and consultation of that phase is not expected to be completed until 1990. Additional refitting of the second floor of the Courthouse for court uses will continue during the interim as space becomes available.

During August 1988, we met with media representatives relative to the implementation of AR 21E which allows a two-year experiment of uses of cameras in the courtrooms. That prior meeting was used as a basis for procedures to be followed informally in cases where such access has been requested. Those arrangements have worked smoothly in a spirit of mutuality of right and responsibility.

In September 1988, Juvenile Court began an Education and In-House Detention Program together with an additional Community Service Program. Two UND social work students from Introduction to Human Services oversee the Community Service and In-House Detention Programs. Overseeing the Education Program are three (3) tutors from the UND Student Volunteer Program.

An additional Community Service Program was also developed. A student from the UND Criminal Justice Department oversees the program. This detail provides janitorial service in the County Court House from 4:00 to 6:00 P.M.

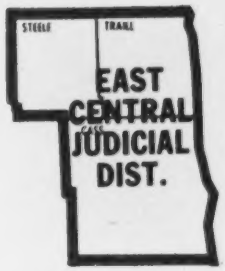
The Court, Public School System and Drug and Alcohol Treatment Centers in Grand Forks were successful a second time in writing a grant based on President Reagan's Drug Free Schools Community Act. The Court will share in the funds which will provide a person to run the Y.E.S. (Youth Education Series) program, conduct a Children of Alcoholics Group and a Parenting Education Class. Probation Officer Beth Veeder wrote the grant for the Juvenile Court Programs.

NORTHEAST CENTRAL JUDICIAL DISTRICT
CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	2,734	2,642	+4.9
Civil	2,307	2,267	+1.8
Criminal	216	208	+3.8
Juvenile	211	167	+26.3
Cases Carried Over From Previous Year	1,269	1,132	+12.1
Civil	1,189	1,066	+11.5
Criminal	80	66	+21.2
Juvenile	—	—	—
Total Cases Docketed	4,003	3,774	+6.1
Civil	3,496	3,333	+4.9
Criminal	296	274	+8
Juvenile	211	167	+26.3
Dispositions	2,808	2,505	+10.8
Civil	2,389	2,144	+11.4
Criminal	208	194	+7.2
Juvenile	211	167	+26.3
Cases Pending As Of December 31	1,195	1,269	-5.8
Civil	1,107	1,189	-6.9
Criminal	88	80	+10
Juvenile	—	—	—

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge
William P. Wilson, Court Administrator



District Court Judges: Norman J. Backes, Presiding Judge; Lawrence A. Leclerc; Michael O. McGuire; and Cynthia A. Rothe
County Court Judges: Georgia Dawson; Frank Racek; and Jonal Uglem
Number of Counties in District: 3
District Court Chambers: Fargo

District Court:

The district's caseload was greater in 1988 than in 1987, with substantial increases in every category, and an increase of over 50% reflected in both new filings and total cases docketed. Despite these greater demands on the district and its judges, docket currency has remained well within the prescribed guidelines and total dispositions for 1988 were actually up over 89%.

Refinements and improvements continue to be made to the new computerized caseflow management system. Although a few problems still plague the operation, this new communication link between Bismarck and Fargo continues to become more and more effective in increasing efficiency in the district's case management and docket currency efforts.

On March 27th, Cynthia A. Rothe was sworn in as a district judge and assumed her duties, filling out the unexpired term of Judge John 0. Garaas, who retired effective February 29. Judge Garaas continues to serve the state as a surrogate judge. Judge Rothe was reelected this past November for a full term.

Juvenile Court:

New filings were up in juvenile court this year by 2.4%, with dispositions up by a like amount.

As part of a new statewide program, seven juvenile probation officers attended a 40 hour training session in the field of mediation. These probation officers will utilize their schooling serving as mediators in custody and visitation disputes. Hopefully, the program will help to ease the already heavy caseload on the judicial referees in the district.

In another new program, the juvenile court has experienced considerable success this past year in making use of lay persons as guardians ad litem in unruly child proceedings. The court plans on continuing the practice through 1989.

Juvenile Court continues to pursue its policy in juvenile dispositions of keeping those found delinquent working and living within their home communities.

Child Support:

1988 has been a record year for child support in the district. Collections are up more than 51% over last year. In fact, of the 1.8 million dollar increase in child support collections statewide, roughly 40% was attributable to this district. Much of this success can be attributed to the district's now standard procedure of scheduling — before any court appearance — an optional meeting between the Regional Child Support attorney from the State's Attorney's Office and the obligor. At this meeting, an effort is made to reach a written stipulated settlement on the matter. That effort is most often successful and saves considerable court time.

Intern Program:

Again this year the District Court has continued its internship program for local college students. A cooperative effort with local universities, the program is designed to give students the opportunity to view the judicial system in operation. It also enables the students to become acquainted with the law by directly working with the district judges, the court administrator, prosecuting and defense attorneys, and other court personnel.

Jury:

To facilitate adjustment to jury duty, the court administrator has instituted a personal orientation meeting with jurors at the commencement of their service. In addition, at the completion of their service, jurors now receive a brief exit questionnaire.

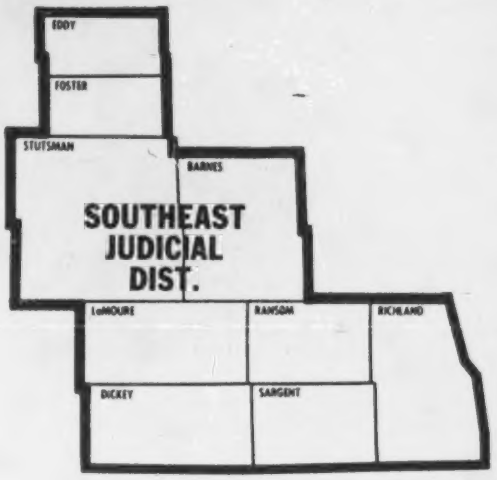
EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	5,016	3,662	+37
Civil	4,233	2,984	+41.9
Criminal	269	259	+3.9
Juvenile	514	419	+22.7
Cases Carried Over From Previous Year	2,312	1,799	+28.5
Civil	2,170	1,681	+29.1
Criminal	142	118	+20.3
Juvenile	—	—	—
Total Cases Docketed	7,328	5,461	+34.2
Civil	6,403	4,665	+37.3
Criminal	411	377	+9
Juvenile	514	419	+22.7
Dispositions	4,431	3,149	+40.7
Civil	3,638	2,495	+45.8
Criminal	279	235	+18.7
Juvenile	514	419	+22.7
Cases Pending As Of December 31	2,897	2,312	+25.3
Civil	2,765	2,170	+23.3
Criminal	132	142	-7
Juvenile	—	—	—

Report of Southeast Judicial District

The Honorable Robert L. Eckert, Presiding Judge
Marguerite Aldrich, Court Administrator

District Court Judges: Robert L. Eckert, Presiding Judge; Gordon O. Hoberg; and John T. Paulson.
County Court Judges: James M. Bekken; Mikal Simonson; Harold B. Herseth; Bayard Lewis; Gary D. Neuharth; and Lowell O. Tjon.
Number of Counties in District: 9
District Court Chambers: Wahpeton, Jamestown and Valley City.



Jury Management:

Two jury orientation videos have been acquired and used in district court and county court jury trials throughout the district, one for criminal and the other for civil cases. Each video takes 30 minutes and acquaints the prospective jurors with what they can expect during the courtroom proceedings, the responsibilities of the jury, identification of the parties and their functions, the role of the judge and court staff. The prospective jurors report to the courtroom one hour before the time set for trial. Following check-in, the film is run and the prospective jurors are then instructed on local practice and location of facilities for their use. Clerks and bailiffs, and the prospective jurors themselves, report that the presentation in the video relieves much of the anxiety of prospective jurors in their perception of jury service. Video jury orientation has proved to be a great success.

Guardians Ad Litem:

Lay guardians ad litem have been used in district and juvenile court matters for the last three years. Throughout the district, there are generally ten to twelve persons available for appointment. Training is provided through Children & Family Services of Grand Forks funded partially through a grant from the State Bar Foundation. In the first year that statistics are available, May 1987 to April 1988, 57 children from age 6 months to 17 years were represented by lay guardians ad litem in the nine counties within the district. The lay guardians ad litem provide a valuable contribution to the decision-making processes involving children.

Restitution and Community Service Program:

"Work vs. Jail" is a sign hanging in the office of the Richland County Restitution Officer. The concept of community service (work) rather than confinement (jail) has flourished in its first full year of implementation in Richland County. Under the program, offenders ordinarily sentenced to serve time in jail are ordered to report to the restitution officer for assignment. In 1988, 14 of these offenders continued as full-time employees for the employer after fulfilling their restitution or community service hours. The program was designed to handle offenders from the juvenile court, municipal court, county court, and district courts from Richland County. In the first year of operation, the program supervised 24 offenders from the juvenile system, 32 defendants from municipal court, 76 defendants from county court and 20 defendants from the district court. The program has also handled cases referred from LaMoure, Cass, Sargent, Grand Forks and Burleigh Counties, as well as several referrals from Wilkin, Traverse, and Ottertail Counties of Minnesota.

Preparing For The Future — Indigent Defense:

A contract for criminal and juvenile indigent representation beginning July 1, 1989 was prepared for submission early in 1989 for bids on matters arising in Barnes County. The Barnes County project is a pilot contract in the district. Its operation will be evaluated and compared closely with the other counties in the district in which attorneys are appointed for each case. The decision to implement the pilot contract followed two years of study and evaluation of statewide practices and recommendations of the North Dakota Legal Counsel for Indigents Commission.

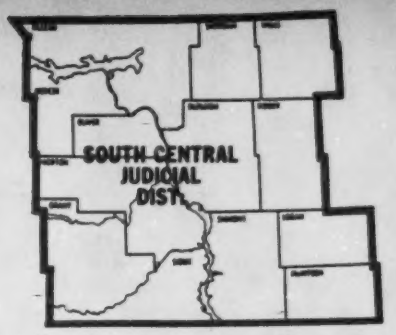
SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	1,825	1,869	-2.4
Civil	1,544	1,491	+3.6
Criminal	152	197	-22.8
Juvenile	129	181	-28.7
Cases Carried Over From Previous Year	831	785	+5.9
Civil	702	715	-1.8
Criminal	129	70	+84.3
Juvenile	—	—	—
Total Cases Docketed	2,656	2,654	-.08
Civil	2,246	2,206	+1.8
Criminal	281	267	+5.2
Juvenile	129	181	-28.7
Dispositions	1,861	1,823	+2.1
Civil	1,555	1,504	+3.4
Criminal	177	138	+28.3
Juvenile	129	181	-28.7
Cases Pending As Of December 31	795	831	-4.3
Civil	691	702	-1.6
Criminal	104	129	-19.4
Juvenile	—	—	—

Report of the South Central Judicial District

The Honorable Benny A. Graff, Presiding Judge
Ted Gladden, Court Administrator

District Court Judges: Benny A. Graff, Presiding Judge; Gerald G. Glaser; Larry M. Hatch; William F. Hodny; and Dennis A. Schneider
County Court Judges: James M. Bekken; Donavin L. Grenz; Gail Hagerty; Bert L. Riskedahl; Thomas J. Schneider; and O.A. Schulz
Number of Counties in District: 13
District Court Chambers: Bismarck, Mandan and Linton



Administrative Activities:

A Case Management Committee of attorneys and judges in the district, chaired by the Honorable Gerald G. Glaser, began work on scheduling and case management issues in the judicial district. Technical assistance was provided through a federal grant to review the case management practices in the district court.

To improve the monitoring of cases within the district court, procedures have been implemented providing monthly status reports to all district judges and judicial referees of cases that have been heard, but concluding documents have not been submitted. In addition, all 3.2 motions are monitored from the time they are submitted to the judge to the time they are decided.

With the increasing motion practice in the South Central Judicial District, workload assignments have been adjusted within the court administrator's office. Computerized scheduling of motions has been added to the system so that all personnel in the court administrator's office can actually schedule motion and default matters for the five district judges.

A new automated child support case management system has been written and implemented in the office of the clerk of district court for Burleigh County.

The juvenile office in Linton was formally closed on October 1, 1988. All juvenile services are now provided through the Bismarck office with staff traveling to the various communities as needed.

District Court:

The judges of the district court continue to process the largest caseload in the largest geographical district in the state. The average length of time from filing to disposition of contested civil court trials was 5.2 months which is an increase of 1.5 months from 1987. However, civil jury cases took, on the average, 14.8 months from filing to disposition. This is a substantial reduction from 1987 when the average length of time was 22.2 months for processing cases. The time from filing the certificate of readiness to the actual trial date was reduced during the year from 6 to 7 months to 4 to 5 months. The length of time to process criminal guilty pleas from the time of bind over is 62 days. This is the same time length as in 1987.

The district judges implemented a new procedure for processing stipulated divorces in the South Central Judicial District. Stipulated divorces with a property settlement are now processed by affidavit. Appearance by the litigants and counsel is eliminated. Attorneys have indicated that it has reduced the cost for processing stipulated divorces. As a result, the new procedure has reduced unnecessary court appearances by the district judges.

Juvenile Division and Judicial Referee Activities:

Two thousand seven hundred and thirty-three children were referred to the juvenile court. Of this number 773 children were referred to the Bismarck-Mandan Police Youth Bureau for informal disposition. Children referred to the Police Youth Bureau are those who are first time offenders, or who have committed minor violations. There were 363 formal juvenile petitions filed during the year. The vast majority of petitions filed result in referee hearings. One hundred and one temporary orders were issued in which children were placed in temporary alternative settings outside of the parental home.

Referrals made to the juvenile court are directly commensurate with the populations of the counties served. Most referrals are made from Burleigh County (1430), followed by Morton County (634), McLean County (143), and Mercer County (196). The other nine counties averaged less than 60 referrals each in 1988.

Three probation officers averaged 30 cases each during any given time during 1988. Personal contact was made on each case at least twice per month together with numerous collateral contacts.

Two judicial referees conducted 443 hearings on child support related actions. Sixteen motion and pre-trial matters on other civil cases were heard. Hearings are routinely scheduled in all counties of the district.

County Court:

A management analysis of the Morton County Court was conducted by the court administrator and the clerks of Burleigh and Morton Counties. Recommendations resulting from the study were made to change the record keeping practices, case management practices, and scheduling procedures.

Judicial Facilities:

During the year, work was completed on the Bismarck Municipal Court. With the relocation of the municipal court within the Burleigh County Courthouse, adequate space has been provided for the clerical staff to conduct the administrative matters of the court. Courtroom space was increased and a sound enhancement system installed.

Phase one of the remodeling project in the Morton County Courthouse was completed. The Morton County Court has moved into its new quarters and now has a jury capable courtroom and adequate space for the judge and judicial personnel. Juvenile Court staff and Judicial Referees moved into new workspaces in December.

The courtroom in Kidder County has been remodeled. Improved seating for jurors, a better layout of the bench area, and better accommodations for attorneys and litigants were major objectives met.

SOUTH CENTRAL JUDICIAL CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	4,162	3,802	+9.5
Civil	3,350	3,187	+5.1
Criminal	449	330	+36.1
Juvenile	363	285	+27.4
Cases Carried Over From Previous Year	1,522	1,522	—
Civil	1,415	1,408	+.5
Criminal	107	114	-6.1
Juvenile	—	—	—
Total Cases Docketed	5,684	5,324	+6.8
Civil	4,765	4,595	+3.7
Criminal	556	444	+25.2
Juvenile	363	285	+27.4
Dispositions	4,191	3,802	+10.2
Civil	3,433	3,180	+8
Criminal	395	337	+17.2
Juvenile	363	285	+27.4
Cases Pending As Of December 31	1,493	1,522	-1.9
Civil	1,332	1,415	-5.9
Criminal	161	107	+50.5
Juvenile	—	—	—

Report of the Southwest Judicial District

The Honorable Maurice R. Hunke, Presiding Judge
Ardean Ouellette, Court Administrator

District Court Judges: Maurice R. Hunke, Presiding Judge; Allan L. Schmalenberger; and Donald L. Jorgensen.
County Court Judges: Tom Beyer; Ronald L. Hilden; and F. Gene Gruber.
Number of Counties in District: 8
District Court Chambers: Dickinson and Hettinger

Caseload:

Following nearly two decades of significant annual increases, we finally experienced a decline in new case filings during 1988, as indicated on the accompanying chart. The decline came primarily in real estate mortgage foreclosures and divorces, which is probably an indication that our depressed economy is starting to improve.

We expect that the caseload will stabilize at about its present level, although the nature of cases we handle will probably change. Improvement in the economy of the region is reflected by recent increases in prices for both cattle and oil. Next year at this time, the declining number of mortgage foreclosure cases will probably be replaced by disputes over mineral rights and proceedings to enforce various contracts for sale of land or livestock.

Personnel:

In November of 1988 District Judges Allan Schmalenberger and Maurice R. Hunke were reelected without opposition. During the latter part of the year, James Hallen, court reporter for District Judge Donald L. Jorgensen, resigned. Rather than replacement of that position with a full time salaried court reporter, Judge Jorgensen determined to experiment with a full time secretary and a part time contract reporter, all within the budget allocation for a Court Reporter II. The experiment appears to be working well and we welcome to our staff Secretary Dellinda S. Peterson.

Docket Currency:

Our concentrated efforts and procedure implemented earlier to monitor civil cases closely after the age of 12 months have produced measurable results in compliance with Docket Currency Standards. By the time of publication of this report, we expect to be the first judicial district in North Dakota to be in full compliance with the Docket Currency Standards applicable to both criminal and civil cases. To maintain that new level of Docket Currency, we have established a new goal for December 31, 1989 of having no civil cases over 21 months old by that date. Our report next year will measure whether we will have met that goal.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1987 AND 1988

	1988	1987	Percent Difference
New Filings	1,518	1,660	-8.6
Civil	1,353	1,464	-7.6
Criminal	95	131	-27.5
Juvenile	70	65	+7.7
Cases Carried Over From Previous Year	610	640	-4.7
Civil	567	605	-6.3
Criminal	43	35	+22.9
Juvenile	—	—	—
Total Cases Docketed	2,128	2,300	-7.5
Civil	1,920	2,069	-7.2
Criminal	138	166	-16.9
Juvenile	70	65	+7.7
Dispositions	1,649	1,690	-2.4
Civil	1,474	1,502	-1.9
Criminal	105	123	-14.6
Juvenile	70	65	+7.7
Cases Pending As Of December 31	479	610	-21.5
Civil	446	567	-21.3
Criminal	33	43	-23.3
Juvenile	—	—	—

COUNTY COURTS

County courts in North Dakota underwent a major transformation in 1983. A new uniform system of county courts took effect on January 1, 1983, and replaced the previous three-tier county court system. The new county courts differ from the old county courts in three other major aspects: 1) all county courts are now courts of records; 2) all county judgeships are now full-time positions; and 3) all county judges now must be legally trained. Under the old county court system most of the county courts were not courts of records and many of the county judgeships were part-time positions staffed by laymen rather than licensed attorneys. As was the cause under the old county court system, county courts under the new county court system are still funded by the counties.

There are twenty-seven county judges in North Dakota. Fifteen of these judges serve more than one county. The legislation creating the new county court system authorized counties to contract with one another for the services of one or more county judges. Through their contractual arrangements, called multi-county agreements. Eight counties have a single county judge. Four county judges serve in two-county areas. Six county judges provide judicial services in three-county areas. Four county judges serve in four county areas. Two counties, Cass County and Burleigh County, each have two county judges. Most of these multi-county county courts operate within the boundaries of a single judicial district. In two instances, however, the multi-county courts cut across the boundary lines of more than one judicial district. In one instance, a county judge serves four counties located in three different judicial districts.

Another unique feature of the new county court system is the county magistrate. Because many county judges serve more than one county, they cannot always be in each county when they are needed. To insure continuity in judicial services in the judge's absence, the judge may appoint a magistrate to handle preliminary matters in the county until the judge returns. Through an administrative rule, the Supreme Court has established the qualifications, authority, and procedures governing magistrates. In several counties, the county judge has appointed the clerk of the district court as the magistrate for that county.

Like the old county courts, the new county courts are limited jurisdiction courts. They have original and exclusive jurisdiction in probate, testamentary, guardianship, and mental health cases. They have concurrent jurisdiction with municipal courts in traffic cases and concurrent jurisdiction with the district courts in trust, criminal misdemeanor, and civil cases where the amount in controversy does not exceed $10,000. County judges also preside at the preliminary hearing in criminal felony cases before the case is turned over to the district court.

The presiding judge of each judicial district may also assign a county judge to hear any district court case filed in the district.

County courts also act as small claims courts in North Dakota. The jurisdictional limit for a small claims case is $2,000. There is no appeal from the decisions of the county court when it is acting in its capacity as a small claims court. All decisions of the county courts in such instances are final.

In establishing the new county court system, the Legislature vested county court judges with the same power and authority as district court judges. Moreover, the rules of practice and procedure governing district court proceedings also apply to county courts.

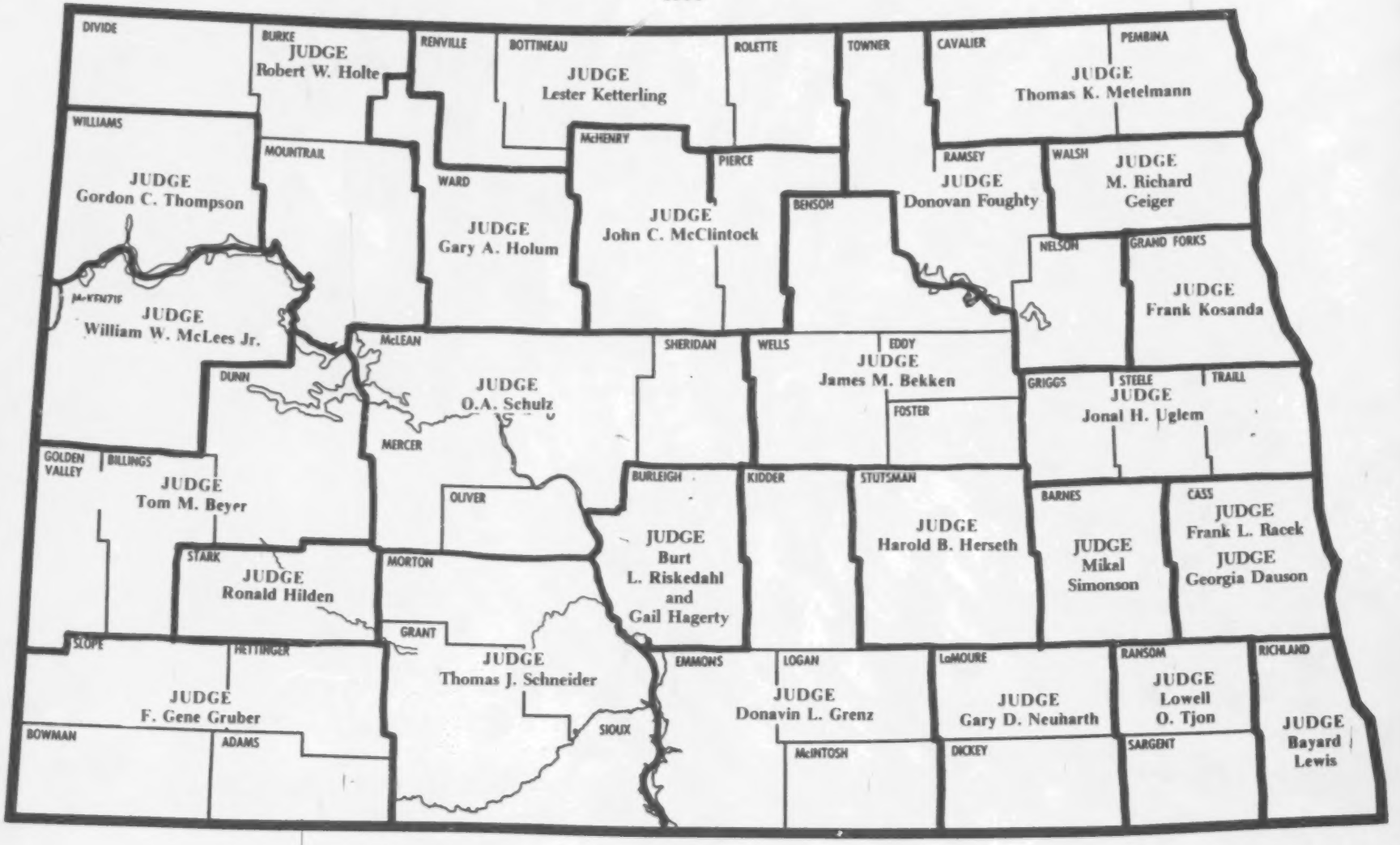
In addition to its trial court duties, county courts also serve as the appellate courts for appeals from municipal courts. All appeals for municipal courts to county courts are trial *de novo* appeals. In other words, when a municipal court case is appealed to the county court, a new trial is held in the county court. New trials are required in county courts because municipal courts do not maintain an official record of their proceedings. Appeals from the county court go directly to the Supreme Court.

In counties with a population over 25,000, the county judge has the authority to appoint a clerk of county court. In counties with a population less than 25,000, the clerk of district court also serves as the clerk of the county court.

In 1987, the Legislature provided that cities and counties could agree that the county court would hear all municipal ordinance violation cases of the city and that all municipal court cases in which the defendant fails to waive the right to a jury trial shall be heard in county court.

The office of county judge is an elected position, filled every four years in a nonpartisan election. If a vacancy occurs, the county commissioners can either fill the vacancy by selecting a candidate from a list of nominees submitted by a judicial nominating committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge only serves until the next general election, at which time the office is filled by election for the remainder of the term. In those counties which share the services of a county judge, the judge is elected by the eligible voters of the participating counties. The appointment of a county judge to serve a multi-county area must be approved by a majority vote of each board of county commissioners of the counties involved.

COUNTY JUDGES AND COUNTY COURT MULTI-COUNTY AGREEMENT AREAS
1988



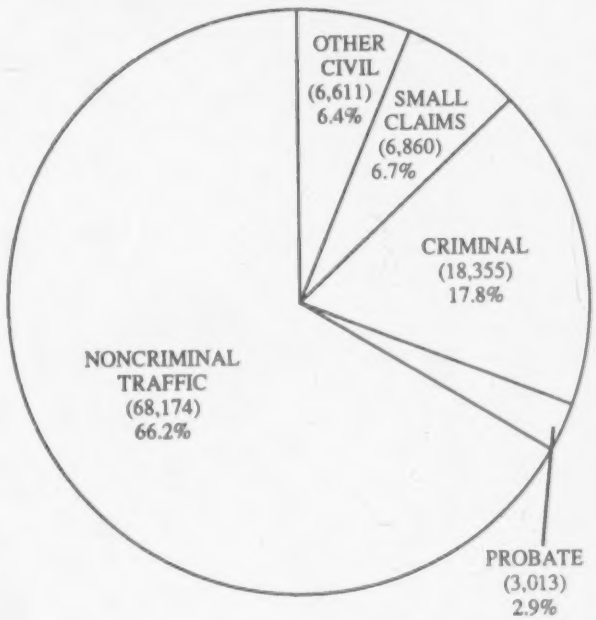
County Court Caseload

The breakdown of the county court caseload indicates a fairly significant increase (10.3%) in the filing of cases in county court. The caseload continues to be predominately noncriminal traffic followed by criminal, small claims, and other civil and probate. The increase in filings can nearly all be attributed to a 16% increase in the noncriminal traffic category. Civil filings actually decreased 1% while criminal cases increased 2% and mental health hearings increased by nearly 10%. Filings in small claims court decreased by only 1%. They had fallen by 15% in 1987 and 8% in 1988.

SYNOPSIS OF COUNTY COURTS CASELOAD FOR 1988 AND 1987

	1988	1987	Percent Difference
New Filings	103,013	93,412	+10.3
Civil	16,484	16,654	-1
Criminal	18,355	17,990	+2
Noncriminal Traffic	68,174	58,768	+16
Cases Carried Over From Previous Year	24,623	18,338	+4.2
Civil	19,584	18,432	+6.3
Criminal	5,039	4,826	+4.4
Noncriminal Traffic	—	—	—
Total Cases Docketed	127,636	111,750	+14.2
Civil	36,068	35,086	+2.8
Criminal	23,394	22,816	+2.5
Noncriminal Traffic	68,174	58,768	+16
Dispositions	101,837	92,647	+9.9
Civil	15,089	15,502	-2.7
Criminal	18,574	18,377	+1.1
Noncriminal Traffic	68,174	58,768	+16
Cases Pending As Of December 31	25,799	24,623	+4.8
Civil	20,979	19,584	+7.1
Criminal	4,820	5,039	-4.3
Noncriminal Traffic	—	—	—

TYPES OF CASES FILED IN THE COUNTY COURT IN 1988



COUNTY COURT FILINGS AND DISPOSITIONS FOR 1988

	Felony		Misdemeanor		Total* Non-criminal Traffic	Small Claims		Probate		Guardianship/ Conservatorship		Other Civil		Mental Health & Emerg. Commit.
	(F)	(D)	(F)	(D)		(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	
Adams	1	1	49	54	203	45	44	26	16	13	2	22	22	2
Barnes	35	36	432	457	2,101	176	174	66	23	9	1	42	40	68
Benson	6	6	174	167	2072	73	88	49	14	7	0	18	18	3
Billings	2	1	26	31	410	5	7	10	8	4	0	5	5	1
Bottineau	21	20	247	300	984	114	114	92	28	7	0	44	48	24
Bowman	4	4	59	28	187	34	32	40	28	3	0	23	25	1
Burke	1	2	98	106	161	17	27	45	55	1	9	18	18	8
Burleigh	232	226	1208	1204	6745	463	478	143	111	51	27	686	678	110
Cass	244	251	2078	2034	4326	1532	1500	251	111	101	18	894	863	303
Cavalier	9	7	173	162	784	57	58	53	45	2	4	28	29	5
Dickey	12	11	141	114	597	159	145	32	29	8	3	47	43	10
Divide	2	3	55	47	244	17	18	46	41	5	4	11	11	4
Dunn	11	11	129	139	891	40	33	36	20	6	0	38	37	4
Eddy	3	3	63	59	265	29	27	22	14	6	0	8	6	I
Emmons	17	18	99	105	492	53	55	31	27	5	1	22	19	2
Foster	3	3	105	102	481	93	86	28	13	8	0	19	18	22
Golden Valley	3	2	22	25	92	7	9	18	20	0	1	13	11	2
Grand Forks	192	247	2382	2809	6019	590	599	157	77	34	4	192	177	79
Grant	2	2	56	61	417	7	7	19	14	2	3	2	4	0
Griggs	15	12	149	144	572	24	25	19	7	0	0	10	12	2
Hettinger	8	9	35	36	361	14	16	31	22	2	0	21	19	3
Kidder	2	1	73	71	1175	33	33	20	60	6	1	22	22	0
LaMoure	2	3	54	52	821	46	46	44	49	1	0	16	16	2
Logan	5	5	22	23	234	7	9	14	13	2	1	12	10	4
McHenry	16	17	128	135	1339	38	35	49	50	2	4	53	56	17
McIntosh	4	2	38	50	209	13	15	37	87	2	1	5	3	3
McKenzie	12	10	151	173	1644	56	59	63	45	2	5	53	57	8
McLean	15	22	301	329	2851	87	80	63	29	12	0	52	52	8
Mercer	31	37	310	400	1660	71	67	42	13	11	0	76	74	11
Morton	104	102	701	614	3038	258	304	95	21	22	2	309	296	95
Mountrail	14	12	194	183	695	110	105	81	70	14	7	26	29	11
Nelson	1	1	84	90	1118	35	36	27	52	6	1	13	14	1
Oliver	4	2	35	34	313	12	12	16	1	1	3	11	10	0
Pembina	20	20	345	361	859	53	54	69	49	8	5	76	91	10
Pierce	18	21	158	181	1039	67	70	64	56	13	10	14	15	2
Ramsey	35	35	683	710	3783	219	214	79	33	12	2	70	63	38
Ransom	4	4	148	163	709	63	65	36	9	10	2	14	16	10
Renville	1	0	37	29	232	67	67	32	37	4	0	13	13	7
Richland	34	32	346	347	1406	278	262	94	77	29	4	74	66	21
Rolette	35	35	285	288	569	51	59	31	7	4	0	31	36	4
Sargent	2	8	53	53	507	33	37	31	16	1	1	9	9	0
Sheridan	6	7	34	22	87	8	10	22	12	0	0	13	12	8
Sioux	1	—	9	8	29	3	3	10	1	1	1	20	19	0
Slope	—	—	14	9	208	6	6	9	4	2	0	5	5	0
Stark	78	75	970	913	2371	282	274	91	41	33	3	292	296	45
Steele	0	0	0	0	193	1	3	28	45	1	0	0	0	2
Stutsman	84	82	1164	1091	3042	213	216	64	40	37	3	184	181	232
Towner	13	16	93	103	685	47	55	32	27	6	2	27	24	3
Traill	17	12	193	198	601	151	149	65	24	2	3	46	41	15
Walsh	44	38	621	609	1246	163	177	107	86	19	0	179	184	24
Ward	137	147	949	1137	3925	574	579	192	71	66	88	398	412	169
Wells	9	10	74	80	610	48	49	58	54	9	1	24	26	2
Williams	101	100	494	650	2572	218	220	134	102	20	3	223	227	59
TOTAL	1672	1731	16541	17290	68174	6860	6912	3013	2004	623	230	4523	4478	1465

Municipal Courts

There are approximately 360 incorporated cities in North Dakota. Of the total municipalities, approximately 150 cities have municipal courts. There are approximately 130 judges serving in these 150 municipalities. State law permits an individual to serve more than one city as a municipal judge.

In 1981 the Legislature amended the state law pertaining to municipalities to allow each municipality the option of deciding whether or not to have a municipal judge. Before this amendment, all incorporated municipalities were required to establish a municipal court.

In 1987, the Legislature amended the state law to permit county court judges to hear municipal ordinance violation cases and to permit cities to contract with counties to provide municipal ordinance violation court services.

Municipal judges have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. The judge must be a qualified elector of the city, except in cities with a population below 5,000. In cities with a population of 5,000 or more the municipal judge is required to be a licensed attorney unless an attorney is unavailable or not interested in serving. At present, there are approximately 24 legally-trained and 106 lay municipal judges in the state.

State law requires that each municipal judge attend at least two educational seminars conducted by the Supreme Court in each calendar year. If a municipal judge fails to meet this requirement without an excused absence from the Supreme Court, the judge's name is referred to the Judicial Conduct Commission for disciplinary action.

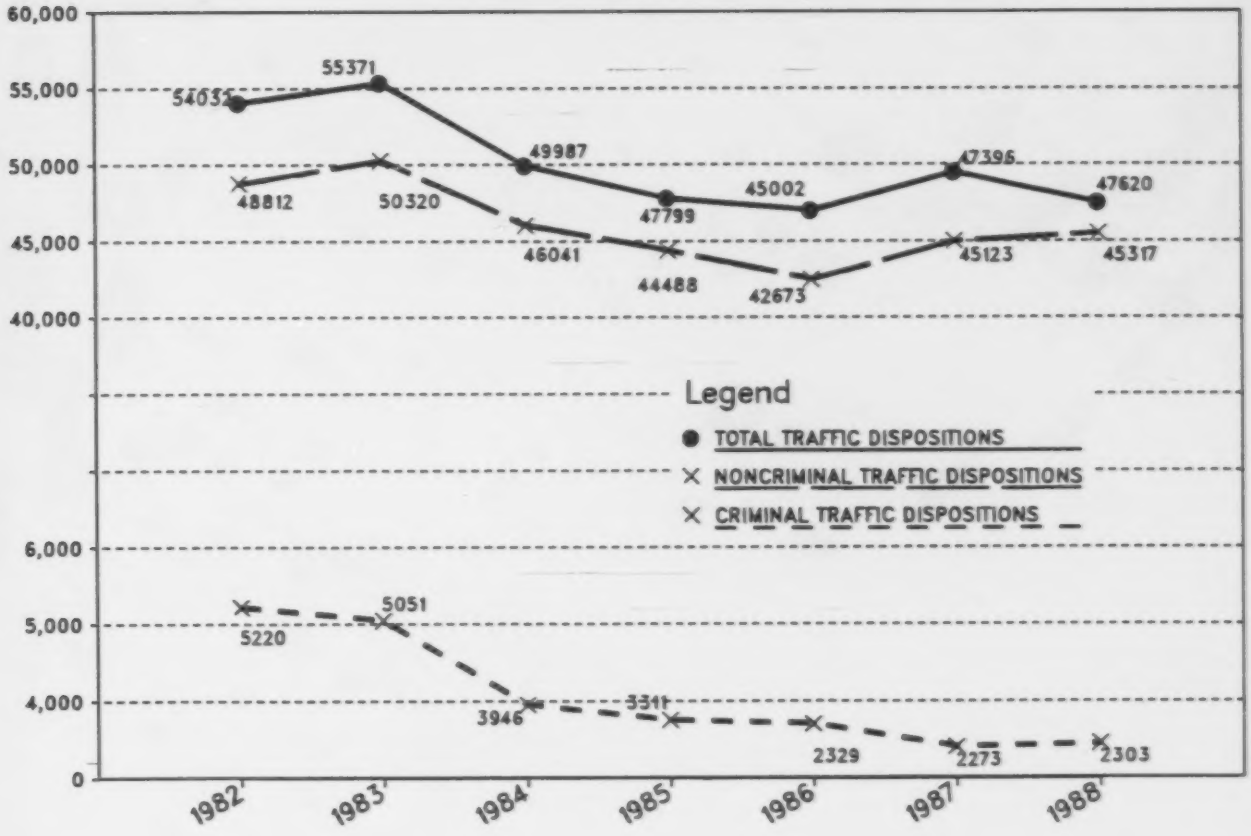
Most of the municipal courts' traffic caseload are noncriminal traffic cases or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is not only a lesser burden of proof in noncriminal traffic cases than in criminal cases, but most noncriminal traffic cases are disposed of by bond forfeitures. While judges are not needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Although criminal traffic cases compose only a small percent of the municipal courts' caseload, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than violations of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. Whereas in noncriminal traffic cases the prosecutor must only demonstrate a preponderance of evidence for conviction, in criminal traffic cases the prosecutor must prove each element of the charge beyond a reasonable doubt.

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1987 AND 1988

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Difference
	1988	1987	1988	1987	1988	1987	
Bismarck	237	249	8113	7858	8350	8107	+3
Dickinson	68	67	1781	1746	1849	1813	+2
Fargo	297	272	5428	6502	5725	6774	-15.5
Grand Forks	362	364	5117	3845	5479	4209	+30.2
Jamestown	103	70	3096	2361	3199	2431	+31.6
Mandan	126	88	2827	2816	2953	2904	+1.7
Minot	283	321	7669	7901	7952	8222	-3.3
Wahpeton	48	58	910	691	958	749	+27.9
West Fargo	114	93	842	846	956	939	+1.8
Williston	93	108	1977	2034	2070	2142	-3.4
TOTAL	1731	1690	37760	36600	39491	38290	+3.1

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR 1982-1988



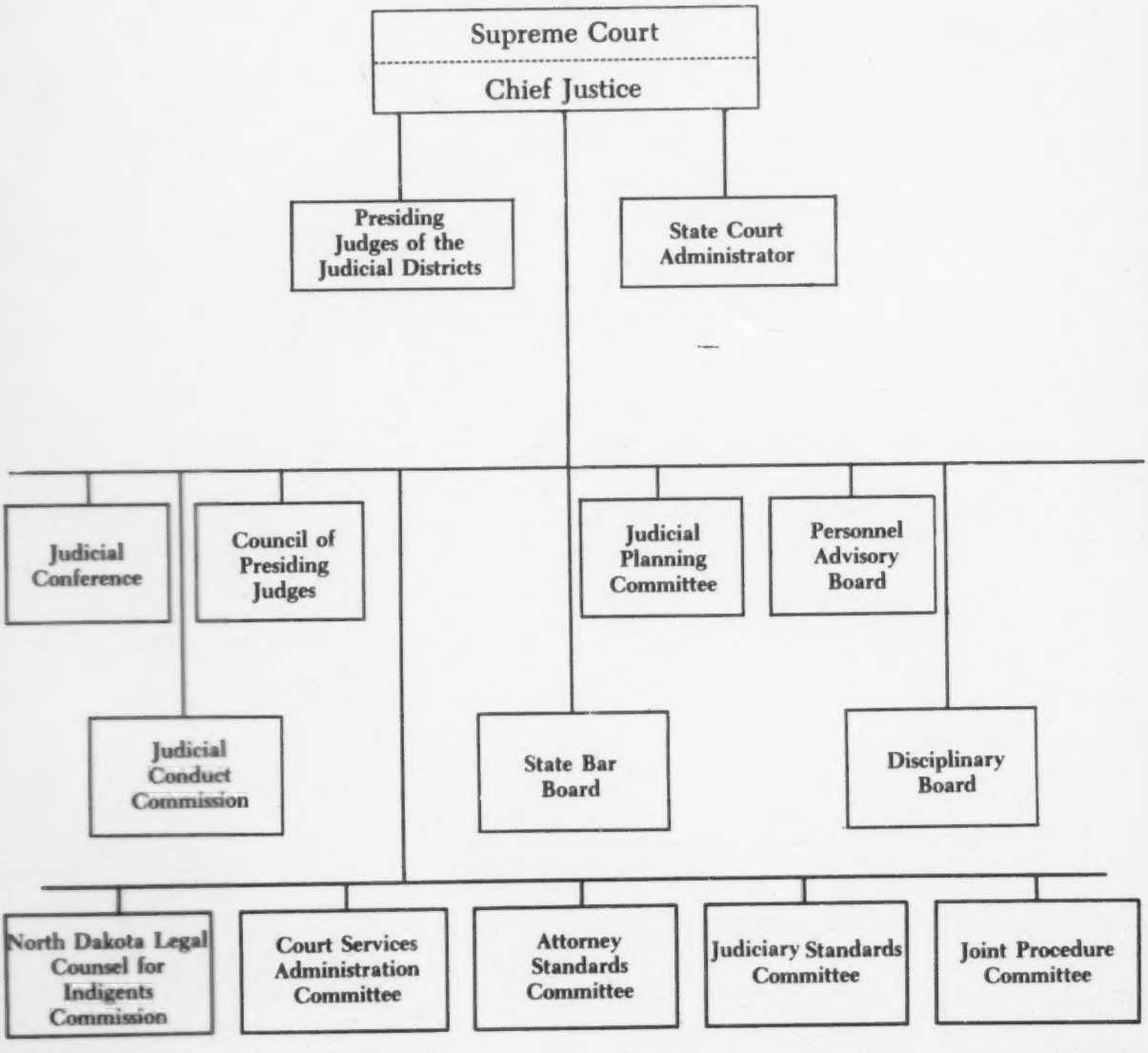
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The constitution has emphasized the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3 states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 1988 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

ADMINISTRATIVE ORGANIZATION OF THE
NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3 of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

Judicial Education:

Under the guidance and supervision of the Judicial Conference Committee on Judicial Training, the Office of State Court Administrator develops and coordinates training programs for all levels of judicial and court support personnel. In addition, a number of other professional development and information activities are coordinated and conducted under the auspices of the State Court Administrator. These activities are described in greater detail in the section of this report which discusses the activities of the committee.

Research and Planning:

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by the planning staff in the State Court Administrator's office. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and such other tasks that are assigned by the various committees. Specific activities and projects of the different Supreme Court standing committees are provided in a latter section of this report.

Personnel Management:

The state funding of most district court employees in 1981 significantly increased the personnel management responsibilities of the State Court Administrator. To insure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the State Court Administrator.

Fiscal Responsibilities:

One of the State Court Administrator's primary administrative responsibilities is the management of the judicial budget. As the budget director for the judicial system, he is responsible for the coordination and preparation of the Supreme Court and District Court budgets, preparation and analysis of monthly budget status reports, the development of budgetary policies for the judiciary, and the maintenance of payroll records for judges and court personnel.

Even with the addition of most District Court expenses to the judicial budget, the judicial budget constitutes only a small portion of the state's total budget for the 1987-89 biennium. However, this is not to say that the budgetary impact of the additional expenses has been minimal. Since the absorption of most district court expenses by the state in 1981, the judicial portion of the state's budget has doubled.

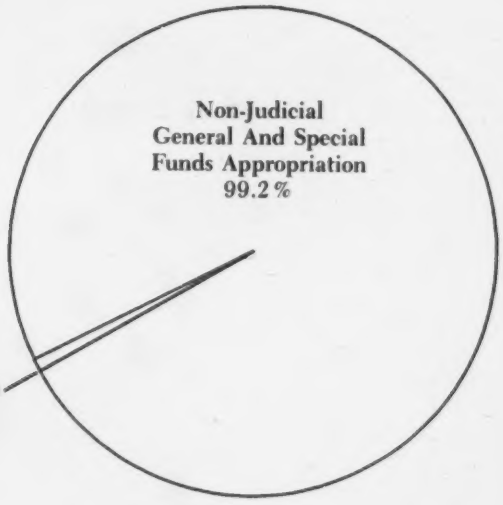
The impact of the state's funding of nearly all District Court expenses can also be seen in the way in which the judicial budget is allocated. Whereas the Supreme Court portion of the judicial budget used to be over 40 percent, now it is less than 23 percent.

In viewing the judicial budget, it should be noted that it does not include the salaries of district court clerks and deputy clerks or any county court or municipal court expenditures. District court clerk expenses and county court expenses are funded by county government in North Dakota. Likewise, municipal courts are funded by the particular municipalities they serve.

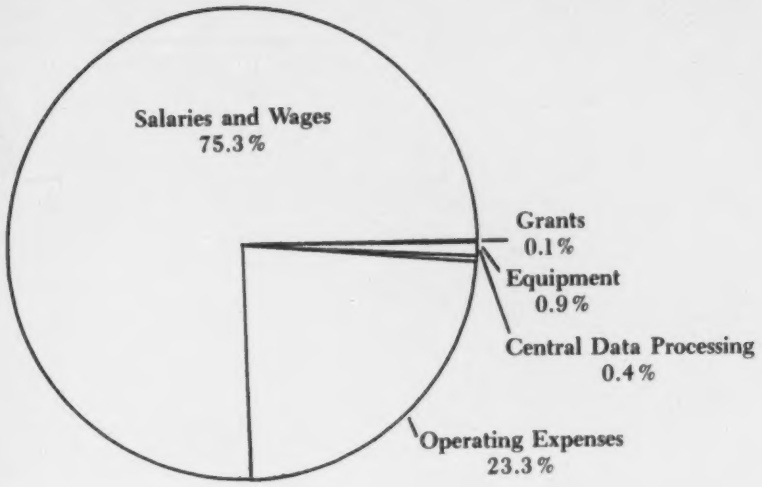
JUDICIAL PORTION OF THE STATE'S BUDGET
1987-1989 BIENNIUM

Total General and Special Funds Appropriation
$2,496,414,450

Judicial System General and Special Funds Appropriation
$20,130,589



STATE JUDICIAL SYSTEM APPROPRIATION
BY APPROPRIATED LINE ITEM
1987-89 BIENNIUM

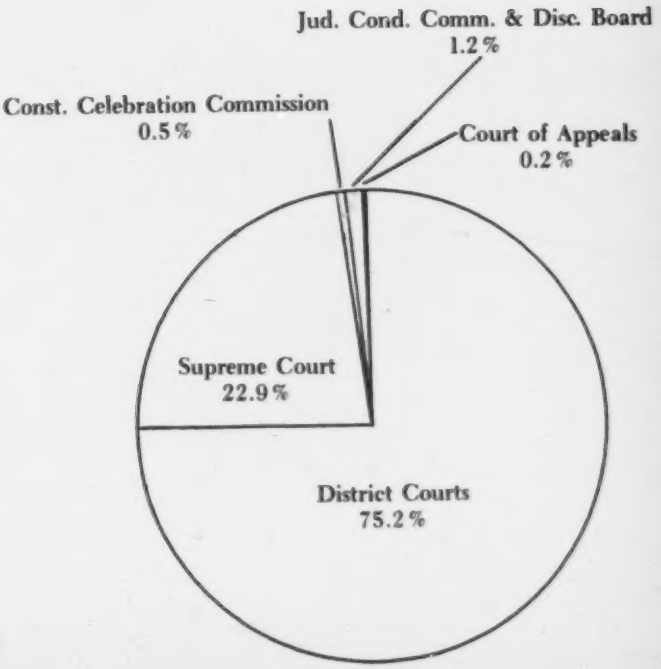


Total Judicial System General and Special Funds Appropriation
$20,130,589

Salaries and Wages	$15,156,791
Operating Expenses	4,691,328
Central Data Processing	78,000
Equipment	179,470
Grants	25,000

STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF ACTIVITY
1987-89 BIENNIUM

Supreme Court	
General Fund	$4,552,898
Special Funds	55,000
TOTAL	$4,607,898
District Courts	
General Fund	$14,794,943
Special Funds	340,000
TOTAL	$15,134,943
Court of Appeals	
General Fund	$ 42,000
Special Funds	—
TOTAL	$42,000
Judicial Conduct Commission & Disciplinary Board	
General Fund	$ 185,748
Special Funds	60,000
TOTAL	$ 245,748
Constitutional Celebration Committee	
General Fund	$50,000
Special Funds	50,000
TOTAL	$100,000



Advisory Committees of the North Dakota Judicial System

To assist in its administrative supervision of the North Dakota judicial system, the Supreme Court utilizes the services of numerous advisory committees. These committees address specific problem areas within their study jurisdiction and make recommendations on the resolution of these problems to the Supreme Court.

Four of these committees — the joint procedures committee, the attorney standards committee, the judiciary standards committee, and the court services administration committee — were established by the Supreme Court in 1978 as an essential part of its rulemaking process within the North Dakota judicial system. One of these committees, the joint procedure committee, existed before the Supreme Court adopted its rulemaking process, but was incorporated into the advisory committee structure created by the Supreme Court rulemaking process.

The committees of the North Dakota judicial system include the judicial planning committee, the personnel advisory board, the judicial training committee of the North Dakota judicial conference, the North Dakota legal counsel for indigents commission, and the council of presiding judges. All of these committees contribute to the improvement of court services in North Dakota. Special committees established to address timely issues include the constitutional celebration committee and the civil legal services study committee.

The activities of these committees during 1988 are summarized here.

Judicial Planning Committee:

The judicial planning committee is the forum for overall planning for judicial services in North Dakota. It is chaired by Justice Beryl J. Levine and its membership includes representatives of presiding judges, attorneys, district judges, county judges, municipal judges, court support personnel, and the public. The role of the committee is to identify, describe, and clarify problem areas which can be referred to judicial leaders and other standing committees for resolution.

As part of the planning process, the committee prepares a judicial master program for each biennium which sets the goals, objectives, and tasks for the North Dakota judicial system during that biennium.

In 1988 the committee prepared the "Judicial Master Program for the Biennium Ending June 30, 1991", through a drafting subcommittee chaired by Judge Robert Holte of Stanley. This Judicial Master Program was based on the local judicial district plans submitted to the committee and the results of opinion surveys of the public and judicial system personnel.

In addition, for the first time, the committee proposed a "North Dakota Judicial System Agenda for the Decade: 1990—2000" to provide clear direction for the development of improvements in the North Dakota judicial system during this period.

The committee approved a recommendation prepared by the gender fairness assessment study subcommittee, chaired by Sarah Herman of Fargo, to initiate a major study of gender fairness within the North Dakota legal system.

The committee, through the municipal court study subcommittee, chaired by Calvin N. Rolfson of Bismarck, continued its efforts to improve municipal ordinance violation court services in studies of possible decriminalization of municipal ordinances and further assistance to cities in use of county court services for the enforcement of municipal ordinance violations.

Joint Procedure Committee:

The joint procedure committee studies and revises the procedural rules of North Dakota, including the Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Evidence, and other rules of pleading, practice and procedure. The committee proposes to the Supreme Court amendments to existing rules or, when appropriate, the adoption of new procedural rules.

The joint procedure committee is composed of ten judges representing the judiciary, and ten attorneys representing the State bar association of North Dakota. The committee is chaired by Justice H. F. "Sparky" Gierke and DeNae H.M. Kautzmann serves as full-time staff counsel for the committee.

Since publication of the bound volume of rules in 1988, the committee has approved amendments to the Rules of Civil Procedure, Criminal Procedure, the Rules of Evidence and the Rules of Court. In addition, amendments to several explanatory notes were approved. Significant amendments that the committee approved are a special hearsay exception for minor victims of sex offenses and the allowance of videotaped depositions. The committee will submit these amendments in the summer of 1989 to the North Dakota supreme court with the recommendation that they be adopted.

The committee is currently reviewing Rule 3.2 Motion Practice, Civil and Criminal Contempt, and all Federal rule amendments.

Attorney Standards Committee:

The attorney standards committee studies and reviews all rules relating to attorney supervision. The committee is chaired by Vern C. Neff of Williston.

Beginning January 1, 1988, the Supreme Court approved the new North Dakota rules of professional conduct which had been prepared by the professional conduct subcommittee, chaired by Christine Hogan of Bismarck. Chair Vern Neff asked the professional conduct subcommittee to continue its work to monitor the experience under the new rules and to study any appropriate changes to rules or statutes.

The committee discussed issues relating to the unauthorized practice of law statutes and client trust account audits. The committee studied the impact of *Levine v. Wisconsin*, 679 Fed. Supp. 1478 (1988), now reversed, 864 F. 2d. 457 (CA1; 1988).

The committee recommended proposed modifications to the North Dakota rules of continuing legal education for review by the North Dakota Supreme Court which were adopted by the Court.

The North Dakota Supreme Court approved standards for imposing lawyer sanctions as recommended by the subcommittee on standards for imposing lawyer sanctions, chaired by Thomas Wentz of Minot.

Judiciary Standards Committee:

The judiciary standards committee, chaired by Jane Voglewede of Fargo, studies and reviews all rules relating to the supervision of the judiciary, including judicial discipline, judicial ethics and the judicial nominating process.

During 1988, the judiciary standards committee initiated a study of judicial performance evaluation through a judicial performance evaluation subcommittee chaired by Harold Anderson of Bismarck. Pursuant to the subcommittee's recommendation and in consultation with the North Dakota judicial conference, the committee authorized the establishment of the judicial performance evaluation subcommittee, chaired by Judge Donavan Grenz of Linton, to further study the issue and make recommendations.

The committee initiated a study of the problem of unjust criticism of judges and the judicial system through the establishment of the unjust criticism of judges study subcommittee, chaired by Judge Dennis Schneider of Bismarck.

The committee initiated a study of the application of docket currency standards to the appellate courts of North Dakota through the establishment of the appellate docket currency standards study subcommittee, chaired by Orlin Backes of Minot.

Court Services Administration Committee:

The court services administration committee studies and reviews all rules and orders relating to administrative supervision of the

North Dakota judicial system. It is chaired by William A. Strutz of Bismarck.

In 1988, the court services administration committee discussed the timeliness of trial court motion practice in North Dakota and the possible need for a monitoring mechanism or docket currency standards to address motion practice.

The committee initiated studies of future legal research services for district courts and county courts by the establishment of the county court and district court legal research subcommittee, chaired by Judge Thomas Metelmann, with staff assistance from Court Administrator Bill Wilson of Fargo.

The committee initiated a study of judicial district boundary lines and procedures for chamber city designation through the establishment of the judicial district boundary line and chamber city designation study subcommittee, chaired by Judge William Hodny of Mandan.

The committee initiated a study of transcript preparation standards for court recorders through the establishment of the electronic court recording and transcript preparation standards study subcommittee, chaired by Presiding Judge Robert Eckert of Wahpeton, with staff assistance from Trial Court Administrator Marguerite Aldrich of Wahpeton.

The committee initiated a study of mediator qualification standards pursuant to section 14-09.1-04, NDCC, through the juvenile procedures committee, chaired by Presiding Judge Norman Backes of Fargo, of the North Dakota judicial conference.

The committee studied possible changes to administrative rule 13 regarding judicial referees, and administrative rule 20 regarding magistrates. The committee held discussions regarding the discretionary district court use of electronic court recording services through amendment to section 27-06-01, NDCC.

The committee proposed revisions to administrative rule 2 regarding presiding judges.

Through the county court and clerk of district court funding study subcommittee, chaired by Judge Jonel Uglem of Hillsboro, the committee continued the study of state funding of clerk of district court services in cooperation with the North Dakota association of counties.

Through the court records management study subcommittee, chaired by Ted Gladden of Bismarck, the committee initiated a study of development of personnel guidelines for clerks of court in cooperation with the North Dakota association of counties, initiated study of revision to administrative rule 19 regarding disposition of court records, and continued its study of recordkeeping procedures for the courts of North Dakota. The subcommittee provided a technical assistance resource to clerks of court in adopting new recordkeeping procedures. The subcommittee recommended legislation, an administrative rule, and an administrative policy to clarify the role of jury bailiffs for the courts of North Dakota.

Through the future appellate court services study subcommittee, chaired by Representative William Kretschmar of Ashley, the committee monitored the service of the North Dakota court of appeals and recommended its continuation.

Personnel Advisory Board:

The personnel advisory board was created by the Supreme Court in January, 1982, and reconstituted by the Supreme Court in July, 1984. A district court judge was added to the board in May, 1988. The board consists of the state court administrator, a district court judge, three district court employees, and three Supreme Court employees. The state court administrator is an ex officio member of the board while the district court judge and six employees are appointed to the board by the chief justice. The chief justice also designates the chairperson of the board from among its membership.

The board serves as an advisory body to the chief justice and the Supreme Court; it has no independent decisionmaking authority. In this capacity the board has two primary functions:

1) To develop personnel policies for the North Dakota judicial system; and

2) To serve as a review board for employee grievances, reclassification requests, and other personnel matters.

During 1988 the board initiated a study of the judiciary's pay and classification system with consultants from court management consultants. Two district court judges and a Supreme Court justice were temporarily added to the board for the purpose of the study. At the board's request, the Supreme Court also approved a moratorium on reclassifications and equity pay increases to allow the board to concentrate its efforts on the study. It is anticipated that the Board will be submitting its recommendations for a revised personnel system to the Supreme Court during the fall of 1989.

Judicial Training Committee:

The judicial training committee is a committee of the North Dakota judicial conference. It has fourteen members representing a cross-section of judges and court personnel. Judge Larry Hatch, a district court judge in the south central judicial district, is the current chairman of the committee.

The committee is primarily responsible for providing seminars and other educational tools which meet the professional needs of judges and court personnel of the North Dakota judicial system. In addition to its program development function, the committee also has a variety of other duties. They include:

1) Development of a biennial training budget for in-state and out-of-state training programs;

2) Monitoring training costs and programs to promote cost effectiveness;

3) Designation of approved out-of-state professional development programs and sponsors; and

4) Drafting and reviewing appropriate legislation and court rules relating to judicial training.

During 1988, the judicial system conducted twelve seminars and co-sponsored three others with other states or the national judicial college. These fifteen seminars were attended by 519 judges and court personnel. This compares to eight seminars conducted in 1987 for 340 judges and court personnel. Although judicial education fared much better in 1988 than in 1987 or 1986, it still hasn't reached the levels of support experienced before 1985.

The committee also developed a judicial education budget proposal for the 1989/91 biennium and endorsed concept papers for two training grants. To help it reassess the training needs of district and county court judges, Judge Hatch appointed a special curriculum subcommittee to study these needs and report back to it with recommendations.

Council of Presiding Judges:

The council of presiding judges consists of the presiding judges of each of the seven judicial districts with the chairman being named by the chief justice. Present members of the council are: Benny A. Graff, Maurice R. Hunke, Wallace D. Berning, James H. O'Keefe, Kirk Smith, Norman J. Backes, Robert L. Eckert.

The role of the council of presiding judges consists primarily in the area of budgets and caseloads with the responsibility for ensuring the business of the courts is handled with dispatch and efficiency. The council meets on call of the chairman. In attendance at each meeting is the chief justice, the state court administrator, the trial court administrators, and selected staff members of the administrative office.

In 1988, the council of presiding judges met three times. At each meeting there was a review of the district court budgets as they relate to the legislative appropriation and the various program areas within the district courts. During 1988, as it was the time of development of the requested appropriations for the 1989/91 biennium, two of the meetings of the council involved considerable time on reviewing the requests from the districts for appropriations and bringing the total district court budget request into final form for recommendation to the Supreme Court.

Some of the other major issues that came before the presiding judges in 1988 were such matters as the present status of the salary administration system for the district courts, the council recommendation to the Supreme Court that the council of

presiding judges be allowed to expend $15,000 to employ the services of a consultant for the development of an updated salary and administration plan and discussion of salary increases for several of the district court reporters. The council also discussed the need for expansion of the personnel advisory board and the implementation of an administrative policy pertaining to employee discipline. The council also received reports pertaining to the timely processing of child support enforcement orders in the district courts.

North Dakota Legal Counsel for Indigents Commission:

The North Dakota legal counsel for indigents commission is composed of seven members who are nominated by the North Dakota association of counties, the chief presiding district court judge, the board of governors of the state bar association of North Dakota, and the attorney general, and appointed by the chief justice. Judge Gail Hagerty of Bismarck serves as chair of the commission.

The commission provides rules and guidelines for the administration of indigent defense services in criminal cases in North Dakota. It provides a mechanism for the resolution of counsel fee disputes between judges and court appointed attorneys or contract attorneys who are representing indigent defendants in criminal, mental health, and juvenile cases. The commission also provides technical assistance concerning indigent defense services to judicial districts, counties, and municipalities.

The funds appropriated by the legislature for indigent defense services in criminal and juvenile proceedings in the district courts of North Dakota are administered by each of the seven judicial districts. Each county in the state is responsible for the funding of the indigent defense expenses that arise in the criminal and mental health proceedings in the county court of that county. Each city is responsible for funding the indigent defense expenses that arise in criminal cases in municipal court.

Civil Legal Services Study Committee:

The civil legal services study committee, chaired by Judge Joel Medd of Grand Forks, in cooperation with the state bar association of North Dakota and the North Dakota trial lawyers association, completed its study of mechanisms for the future provision of civil legal services to the poor and near poor in North Dakota. The committee report is entitled "A Workable Plan for Civil Legal Services for the Poor of North Dakota: A Practical, Equitable and Political Proposal for Bar Leadership" (February 19, 1988). The committee report proposed state funding for civil legal services for the poor combined with an annual fair share public service commitment by all licensed attorneys as a condition of licensure.

The committee report was set for further study by the joint civil legal services committee of the state bar association, legal service programs and the North Dakota judicial system.

Constitutional Celebration Committee:

The constitutional celebration committee, chaired by Justice Herbert L. Meschke, was established to assist and encourage celebration of the bicentennial of the U.S. Constitution during 1987—1991 and celebration of the centennial of the North Dakota Constitution in 1989. The committee is made up of judges, attorneys, legislators, and civic leaders.

The committee supported competition programs among schools in North Dakota which results in a national competition among representative schools of each state. In 1988, Wyndmere High School was the representative from North Dakota.

The committee participated in the sponsorship of the North Dakota Constitution traveling exhibit, "Equally Free and Independent," in 24 community libraries in North Dakota, in cooperation with the state historical society, the North Dakota national guard, and the North Dakota humanities council.

The committee supported the efforts of the secretary of state and state historical society in the protection of the original North Dakota constitutional documents.

They encouraged a law review symposium of the university of North Dakota law school on the subject of the North Dakota Constitution.

They supported the public service announcement program of the state bar association of North Dakota and the television stations of North Dakota to inform the public regarding the relationship of the North Dakota Constitution to the history of North Dakota.

Disciplinary Board

The Disciplinary Board of the Supreme Court has responsibility for handling complaints alleging unethical conduct by North Dakota attorneys.

There are seven lawyer and three non-lawyer members of the Board, as follows: Michael L. Halpern, Glen Ullin, Chairman; J. Michael Nilles, Fargo, Vice Chairman; Karen K. Braaten, Grand Forks; Dann E. Greenwood, Dickinson; Robert C. Heinley, Carrington; Lewis C. Jorgenson, Devils Lake; Maynard Sandberg, Minot; Richard Stern, Fargo; Robert L. Hoss, Fargo; Al. Wahl, Williston. Luella Dunn, Clerk of the Supreme Court, serves as the secretary for the Board. Disciplinary Counsel is Vivian E. Berg.

Complaints against attorneys are docketed by the secretary and forwarded either to the chairman of Inquiry Committee East or Inquiry Committee West of the State Bar Association. An investigation is then conducted by a member of the respective committees or disciplinary counsel, with opportunity to appear before the Inquiry Committee for both the attorney and complainant as provided in the rules.

New procedural rules for lawyer disability and discipline were adopted during 1988 and became effective September 1, 1988. Under the new rules, Inquiry Committees may dismiss complaints, issue private reprimands or private reprimands and consent probation combined, or direct the filing of a petition for formal proceedings. If the complainant is dissatisfied with the disposition of the Inquiry Committee, an appeal may be filed with the Disciplinary Board for review. This action must be taken within 30 days of receipt of notice of the disposition. Under this new procedure, effective September 1, 1988, four appeals were filed with the Disciplinary Board for review.

Formal proceedings are instituted by counsel through a petition for discipline, heard by a hearing body appointed by the chairman of the Board and which reports to the Board. The Board submits a report to the Supreme Court if its recommendation is for public discipline, and the matter is presented to the Court with briefs and oral argument. Review is de novo on the record and the standard of proof is clear and convincing evidence.

Following is a summary of complaints handled by the Disciplinary Board in 1988.

SUMMARY OF DISCIPLINARY BOARD COMPLAINTS FOR THE YEAR 1988

New Complaints filed for the year 1988	148
General Nature of new complaints filed:	
Client Funds and Property	8
Conflict of Interest	9
Criminal Conviction	1
Excessive Fees	17
Improper Conduct	56
Incompetent Representation	39
Misappropriation/Fraud	2
Neglect/Delay	14
Unauthorized Practice of Law	2
TOTAL	148
Disciplinary Proceedings pending from prior years	17
Complaints carried over from previous year	76
Total Complaints for consideration in 1988	241
Disposition of Complaints:	
Dismissed by Inquiry Committee	137
Dismissed by Disciplinary Board	3
Private Reprimands issued by Inquiry Committee	5
Private Reprimands issued by Disciplinary Board	9
Public Reprimands issued	2
Suspensions	1
*Disbarments	3
Complaint withdrawn by Complainant	1
Reinstatement	1
Complaint transferred to Judicial Conduct Commission	1
Disciplinary proceedings instituted and pending	22
Complaints pending 12/31/88	58
TOTAL	**243

*Two separate complaints against one attorney resulted in disbarment.

**One complaint involved two disbarments and one public reprimand.

The Supreme Court transferred one attorney to disability inactive status at the request of counsel for the attorney. This is not reflected in the Disciplinary Board's statistics since it was not filed with the Board.

Judicial Conduct Commission

The Judicial Conduct Commission was established by the legislature in 1975 with the enactment of Chapter 27-23 of the North Dakota Century Code. It is empowered to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal, or retirement of any judge.

The seven members of the Commission include one district judge, one county judge, one attorney, and four citizen members. Members of the Commission, prior to July 1, 1988, were Louise Sherman, Dickinson, Chairman; Ernest Pyle, West Fargo, Vice Chairman; Janet Maxson, Minot; Dorreen Yellow Bird, New Town; Honorable Gary A. Holum, Minot; Honorable William F. Hodny, Mandan; and Frederick E. Whisenand, Williston. The Clerk of the Supreme Court, Luella Dunn, is secretary for the Commission. Staff Counsel is Vivian E. Berg. On July 1, 1988, Louise Sherman, Ernest Pyle and Judge Gary A. Holum each completed two terms of three years each on the Judicial Conduct Commission, and under the statute were not eligible for reappointment. Governor Sinner appointed Senator Rick Maixner, New England and Clifton Odegard, Buxton, for a term of three years as nonlawyer members of the Board. The County Judges Association selected the Honorable James Bekken to succeed Judge Holum.

Complaints against judges are filed with the Commission's secretary, who acknowledges their receipt and forwards them to staff counsel for investigation. The judge against whom the complaint is filed is given notice and provided an opportunity to present such matters as he or she may choose.

By far the majority of complaints are dismissed as being without merit. However, the Commission may issue a private censure or direct that formal proceedings be instituted. If formal proceedings are instituted, the matter may be heard by the Commission or by a master or masters appointed by the Supreme Court.

The following table summarizing the nature and disposition of complaints in 1988 suggests that many complaints reflect matters properly the subject of appellate review.

SUMMARY OF JUDICIAL CONDUCT COMMISSION COMPLAINTS FOR THE YEAR 1988

New Complaints filed in 1988	39
General Nature of Cases filed:	
Improper Judicial Conduct	12
Biased Decisions	11
Failure to Comply with Law	9
Failure to Afford Complainant Due Process	5
Delay in Rendering Decision	2
TOTAL	39
Complaints carried over from 1987	9
TOTAL Complaints for consideration	48
Disposition of Complaints:	
Dismissals	43
Private Censure	1
Resignation	1
Complaints Pending 12/31/88	3
TOTAL	48

Of the New Complaints Filed in 1988:

7	were against County Judges
16	were against District Court Judges
7	were against Municipal Judges
6	were against Supreme Court Justices
1	was against Child Support Referee
1	was against Small Claims Court Referee
1	was against Juvenile Referee
*39	

*Three complaints involved numerous County Judges as well as District Judges.

State Bar Board Annual Report—1988

The North Dakota State Bar Board, which was created by statute in 1919, is a three-member board comprised of resident, licensed members of the Bar of North Dakota. Each member is appointed by the Supreme Court from a list of members of the State Bar Association and serves a six-year term. John D. Kelly of Fargo, Malcolm H. Brown of Mandan, and Gerald D. Galloway of Dickinson are the present Board members. Pursuant to statute, Luella Dunn, Clerk of the Supreme Court, is designated ex-officio secretary-treasurer of the Board.

All applicants for admission to the Bar of North Dakota who are not admitted upon motion must be examined by the State Bar Board as to their legal ability and character and fitness to practice law. The North Dakota state bar examination consists of the Multistate Bar Examination and the North Dakota Essay Examination. The Multistate Bar Examination covers the subjects of Constitutional Law, Contracts, Criminal Law, Evidence, Torts and Real Property. The North Dakota Essay Examination covers the subjects of Practice and Procedure; Equity; Business Associations; Commercial Transactions; Family Law; and Wills, Estates and Trusts. As a requirement for admission, applicants for admission by examination must also pass the Multistate Professional Responsibility Examination by achieving a scaled score of 80 or more. This is a national exam given three times yearly at the University of North Dakota Law School.

The State Bar Board must keep abreast of recent interpretation of the law and of current developments in law schools and in testing so that proposals for changes in policy and procedure can be made.

The Board offered a February and a July examination in 1988. Statistics for the 1988 bar examinations follow:

	# Applicants	# Successful % Successful	# UND Grads.	# Successful % Successful
2-88 Exam	6	4/66%	4	3/75%
7-88 Exam	67	50/74%	57	43/74%

Seventy individuals were admitted to the North Dakota Bar in 1988, twenty-five of which were female. Eleven of the 70 were admitted on motion, having been actively engaged in the practice of law in another state for the required number of years.

The Board is responsible for the annual licensing of judges and attorneys. If an attorney is suspended or disbarred by Order of the Supreme Court, he or she is not eligible for licensure. In 1988, 1,596 judges and attorneys were issued a license to practice law in North Dakota. In comparison, 1,562 licenses were issued in 1987. Of those attorneys licensed in 1988, 223 were female.

Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in Chapter 27-15, NDCC, as amended in 1985.

There are currently seventy-four members of the Judicial Conference. As ex officio members, the conference consists of all Supreme Court Justices, District Court Judges, and County Court Judges. Other ex officio members are the Attorney General, the Dean of the University of North Dakota School of Law, and the Clerk of the North Dakota Supreme Court. Other members of the Conference include two judges of the Municipal Courts, as appointed by the Municipal Judges Association, and five members of the North Dakota Bar Association, who are appointed by the Bar Association. All Surrogate Judges, as appointed by the Supreme court under Section 27-17-03, NDCC, are also Conference members.

All ex officio members of the Conference serve during the time they occupy their respective official positions. The term of office of the two Municipal Judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The State Court Administrator serves as the Executive Secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chairman and chairman-elect, who are selected for a term of two years by the members of the Conference. In addition, there is an executive committee consisting of the Chairman, Chairman-elect, a Justice of the Supreme Court elected by the Supreme Court, a District Judge elected by the Association of District Judges, and a County Judge elected by the Association of County Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chairman. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their Conference duties.

The Judicial Conference has four major duties. They are:

1. Solicit, receive, and-evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

To support the activities of the full conference, there has been created by Conference bylaws the following standing committees:

1. Program Planning Committee, Judge Jonal H. Uglem, Chairman
2. Committee on Legislation, Justice Herbert L. Meschke, Chairman
3. Committee on Judicial Salary and Retirement, Justice H.F. Gierke, Chairman
4. Committee on Courts with Limited Jurisdiction, Judge Harold B. Herseth, Chairman
5. Committee on Judicial Training, Judge Larry Hatch, Chairman

The conference has also created a special committee known as the Judicial Immunity Committee chaired by District Judge Kirk Smith and the Jury Management Committee, chaired by District Judge Jon Kerian.

Committee membership results from appointment by the chairman after consultation with the executive committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

The officers and executive committee of the Judicial Conference are as follows:

Judge William A. Neumann, Chairman
Judge Jonal H. Uglem, Chairman-elect
Justice Gerald W. VandeWalle, Executive Committee
Judge Lee A. Christofferson, Executive Committee
Judge James Bekken, Exective Committee

NORTH DAKOTA JUDICIAL CONFERENCE

Justices of the Supreme Court
Ralph J. Erickstad

Gerald W. VandeWalle
H.F. Gierke III

Beryl J. Levine
Herbert L. Meschke

Judges of the District Courts

South Central District
*Benny A. Graff
Gerald G. Glaser
Dennis A. Schneider
Wm. F. Hodny
Larry M. Hatch

Southwest District
*Maurice R. Hunke
Allan L. Schmalenberger
Donald L. Jorgensen

Northwest District
*Wallace D. Berning
Everett Nels Olson
Jon R. Kerian
Wm. M. Beede
Bert L. Wilson

Southeast District
*Robert L. Eckert
John T. Paulson
Gordon O. Hoberg

Northeast District
*James H. O'Keefe
William A. Neumann
Lee A. Christofferson

Northeast Cent District
*Kirk Smith
Joel D. Medd
Bruce E. Bohlman

East Central District
*Norman J. Backes
Lawrence A. Leclerc
Michael O. McGuire
Cynthia A. Rothe

Judges of the County Courts

James M. Bekken
Tom W. Beyer
Georgia Dawson
Donavan J. Foughty
M. Richard Geiger
Donavin L. Grenz
F. Gene Gruber
Gail Hagerty
Harold B. Herseth
Ronald L. Hilden
Robert W. Holte
Gary A. Holum
Lester S. Ketterling
Frank J. Kosanda
Bayard Lewis
John C. McClintock
Wm. W. McLees
Thomas Metelmann
Gary D. Neuharth
Frank L. Racek
Burt L. Riskedahl
Thomas J. Schneider
Orville A. Schulz
Mikal Simonson
Gordon Thompson
Lowell O. Tjon
Jonal H. Uglem

Judges of the Municipal Courts

Marian Schatz
Emmanuel Kempel

Surrogate Judges of the Supreme & District Courts

Wm. L. Paulson
Vernon R. Pederson
Eugene A. Burdick
Douglas B. Heen
A.C. Bakken
Roy A. Ilvedson
John O. Garaas

Attorney General Nicholas J. Spaeth
Clerk of the Supreme Court Lu Dunn
Dean of the UND School of Law Jeremy Davis

Members of the Bar

Kermit Edward Bye
Walfrid B. Hankla
Carol Ronning Kapsner
Paul G. Kloster
Dwight C. H. Kautzmann

Executive Secretary
William G. Bohn

*Denotes Presiding Judge

1/05/89
75 Members

JUDICIAL BRANCH

Bismarck, North Dakota

COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES — ALL GOVERNMENTAL FUND TYPES AND EXPENDABLE TRUST FUNDS

For the fiscal years ended June 30, 1988 and 1987

	GOVERNMENTAL FUND TYPE GENERAL		FIDUCIARY FUND TYPE EXPENDABLE TRUST	
	1988	1987	1988	1987
REVENUE:				
Charges for Service—Other		$ 11,700		
Charges for Service—General Govt.	$ 24,013	10,179		
Misc.—Leases, Rents & Royalties	10			
Miscellaneous—Other	142,731	87,264		
Judges Retirement Assessments			$ 8,631	$ 11,233
Interest Income			201	187
Total Revenue	$ 166,754	$ 109,143	$ 8,832	$ 11,420
EXPENDITURES:				
Salaries & Wages	$ 7,096,661	$ 6,912,715		
Operating Expenses	2,158,319	2,105,505		
Data Processing	32,036	38,033		
Equipment	38,883	243,715		
Judges Retirement Benefit Payments	393,520	374,108	$ 9,307	$ 18,954
Total Expenditures	$ 9,719,419	$ 9,674,076	$ 9,307	$ 18,954
Excess of Revenue Over (Under) Expenditures	$(9,552,665)	$(9,564,933)	$ (475)	$ (7,534)
OTHER FINANCING SOURCES (USES):				
Transfers to State General Fund	$ (84,948)	$ (55,779)		
Transfers From State General Fund	9,637,613	9,620,712		
Total Other Financing Sources (Uses)	$ 9,552,665	$ 9,564,933	$ -0-	$ -0
Excess of Revenue and Other Sources Over (Under) Expenditures and Other Uses	$ -0-	$ -0-	$ (475)	$ (7,534)
Fund Balance-July 1	$ -0-	$ -0-	$ 171,852	$ 179,386
Fund Balance-June 30	$ -0-	$ -0-	$ 171,377	$ 171,852

The accompanying notes are an integral part of the financial statements.